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Security Council

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S/1999/947
7 September 1999
ENGLISH
ORIGINAL: ARABIC

IDENTICAL LETTERS DATED 5 SEPTEMBER 1999 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL AND TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I have the honour to inform you that violations of Iraq's airspace by United States and British aircraft based in Saudi Arabia, Kuwait and Turkey continued between 22 and 31 August 1999 and that the aircraft in question engaged in acts of aggression, reconnaissance activities and acts of provocation, as set forth in the annex hereto.

You are requested to intervene with the United States, the United Kingdom and the countries that provide the facilities for these acts of aggression, namely Saudi Arabia, Kuwait and Turkey, with a view to bringing a halt to actions that, as flagrant violations of the Charter of the United Nations and of international law, pose a threat to the sovereignty and territorial integrity of Iraq.

These actions are continuing to bring death and injury to hundreds of civilians and to cause serious damage to private and public property. The logistic support that Saudi Arabia, Kuwait and Turkey provide to the United States and British forces makes them key partners in the aggression being committed against Iraq, so that they share international responsibility for the consequences of these actions. The Republic of Iraq affirms its right to seek lawful compensation for the damage being inflicted on its people by these same actions.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Saeed H. HASAN
Ambassador
Permanent Representative

Annex

Violations by United States and British aircraft and damage caused, 22-31 August 1999

1. In the northern region 72 sorties were flown at speeds of 720 to 780 kilometres per hour and at altitudes of 6,000 to 12,000 metres over the following cities and towns: Dohuk, Mosul, Amadiyah, Aqrah, Tall Afar, Irbil, Zakho, Baibo, Ayn Zalah, Tall Kayf, Sinjar, Rawanduz and Ba'shiqah.

2. In the southern region 126 sorties were flown at speeds of 720 to 780 kilometres per hour and at altitudes of 9,000 to 13,000 metres over the following Iraqi cities and towns: Nasiriyah, Samawah, Basrah, Amarah, Artawi, Jalibah, Salman, Busayyah, Lasaf, Qurnah, Qal'at Salih, Qala't Sukkar, Rifa'i, Ushbayjah, Shinafiyah, Qadisiyah, Ali al-Sharqi, Hayy, Hawr al-Hammar, Maymunah, Rumaythah, Taqtaqanah, Shu'aybah, Najaf, Shatrah, Ansab and Umm Qasr.

3. At 1035 hours on 23 August 1999 United States and British F-14, F-15 and F-16 aircraft coming from Turkish territory and supported from there by an AWACS command and control aircraft penetrated Iraq's airspace in the northern region. They carried out 18 missions and overflew the Amadiyah, Zakho, Mosul, Dohuk, Irbil, Aqrah and Dukan areas. Our air defences, acting in self-defence, engaged the aircraft and, at 1345 hours, drove them off.

4. At 0820 hours on 23 August 1999 United States and British F-15 aircraft coming from Saudi and Kuwaiti territory penetrated Iraq's airspace in the southern region. They carried out 2 missions from Saudi airspace, from where they were supported by an AWACS command and control aircraft, and overflew the Salman and Busayyah areas. Our air defences, acting in self-defence, engaged the aircraft and, at 0920 hours, drove them off.

5. At 1104 hours on 23 August 1999 United States and British aircraft bombed the Ba'shiqah area of Mosul Governorate in northern Iraq, killing two residents and wounding another.

6. At 1130 hours on 24 August 1999 United States and British F-14, F-15, F-16, Tornado and EA-6B aircraft coming from Turkish territory and supported from there by an AWACS early-warning aircraft penetrated Iraq's airspace in the northern region. They carried out 16 missions and overflew the Rawanduz, Dohuk, Mosul, Tall Afar, Zakho, Amadiyah, Aqrah, Baibo and Irbil areas. Our air defences, acting in self-defence, engaged the aircraft and, at 1310 hours, drove them off.

7. At 0740 hours on 24 August 1999 United States and British F-15, F-16 and EA-6B aircraft coming from Saudi and Kuwaiti territory penetrated Iraq's airspace in the southern region. They carried out 16 missions from Saudi airspace with the support of an AWACS command and control aircraft operating from there, and they overflew the Salman, Ushbayjah, Shinafiyah and Nasiriyah areas. Our air defences, acting in self-defence, engaged the aircraft and, at 1010 hours, drove them off.

8. At 1000 hours on 25 August 1999 United States and British F-14, F-15, F-16, Tornado and EA-6B aircraft coming from Turkish territory and supported from there by an AWACS early-warning aircraft penetrated Iraq's airspace in the northern region. They carried out 20 missions and overflew the Dohuk, Aqrah, Tall Afar, Baibo, Amadiyah, Zakho, Rawanduz and Mosul areas. Our air defences, acting in self-defence, engaged the aircraft and, at 1310 hours, drove them off.

9. At 0650 hours on 25 August 1999 United States and British F-14, F-15, F-16, Tornado and EA-6B aircraft coming from Saudi and Kuwaiti territory penetrated Iraq's airspace in the southern region. They carried out 22 missions, 6 from Kuwaiti airspace and 16 from Saudi airspace, were supported by an AWACS command and control aircraft from inside Saudi territory and an E-2C aircraft from inside Kuwaiti territory and overflew the Ushbayjah, Hayy, Artawi, Hawr al-Hammar, Jalibah, Qal'at Sukkar, Rifa'i, Rumaythah, Samawah, Kut, Aziziyah, Afak, Shaykh Sa'd, Diwaniyah, Ali al-Gharbi, Badrah and Jassan areas. Our air defences, acting in self-defence, engaged the aircraft and, at 2135 hours, drove them off.

10. At 0655 hours on 26 August 1999 United States and British F-14, F-15, F-16, F-18, Tornado and EA-6B aircraft coming from Saudi and Kuwaiti territory penetrated Iraq's airspace in the southern region. They carried out 16 missions, 14 from Kuwaiti airspace and 2 from Saudi airspace, were supported by an AWACS command and control aircraft from inside Saudi territory and an E-2C aircraft from inside Kuwaiti territory and overflew the Ushbayjah, Lasaf, Busayyah, Artawi, Shatrah, Rifa'i, Qal'at Sukkar, Samawah, Qal'at Salih, Qurnah, Basrah, Shinafiyah, Nasiriyah, Suq al-Shuyukh, Amarah and Jalibah areas. Our air defences, acting in self-defence, engaged the aircraft and, at 1015 hours, drove them off.

11. At 0700 hours on 28 August 1999 United States and British F-14, F-15, F-16 and EA-6B aircraft coming from Saudi territory penetrated Iraq's airspace in the southern region. They carried out 18 missions from Saudi airspace, from where they were supported by an AWACS command and control aircraft, and they overflew the Nasiriyah, Samawah, Amarah, Shinafiyah, Salman, Ushbayjah and Lasaf areas. Our air defences, acting in self-defence, engaged the aircraft and, at 1055 hours, drove them off.

12. At 1035 hours on 28 August 1999 United States and British F-14, F-15 and F-16 aircraft coming from Turkish territory and supported from there by an AWACS early-warning aircraft penetrated Iraq's airspace in the northern region. They carried out 18 missions and overflew the Irbil, Dohuk, Aqrah, Tall Afar, Baibo, Amadiyah, Zakho, Rawanduz, Mosul and Sinjar areas. Our air defences, acting in self-defence, engaged the aircraft and, at 1340 hours, drove them off.

13. At 0717 hours on 29 August 1999 United States and British F-14 and F-15 aircraft coming from Saudi territory and supported from there by an AWACS early-warning aircraft penetrated Iraq's airspace in the southern region. They carried out 20 missions and overflew the Busayyah, Salman, Ushbayjah, Lasaf and Artawi-south areas. Our air defences, acting in self-defence, engaged the aircraft and, at 1105 hours, drove them off.

14. At 0650 hours on 30 August 1999 United States and British F-14, F-15, F-16 and F-18 aircraft coming from Saudi and Kuwaiti territory penetrated Iraq's airspace in the southern region. They carried out 32 missions, 24 from Saudi airspace and 8 from Kuwaiti airspace, were supported by an AWACS command and control aircraft from inside Saudi territory and an E-2C aircraft from inside Kuwaiti territory and overflew the Lasaf, Artawi, Basrah, Salman, Hayy, Diwaniyah, Amarah, Busayyah, Jalibah, Rifa'i and Suq al-Shuyukh areas. Our air defences, acting in self-defence, engaged the aircraft and, at 1030 hours, drove them off.

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LETTER DATED 6 SEPTEMBER 1999 FROM THE PERMANENT REPRESENTATIVE OF ERITREA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to forward the attached press release issued by the Ministry of Foreign Affairs on 6 September 1999 on Ethiopia's official rejection of the Organization of African Unity (OAU) package of proposals to resolve the Eritrea-Ethiopia conflict peacefully (see annex).

Clear as it is that the Ethiopian regime has in its Foreign Ministry's statement rejected the OAU package of proposals, it is now incumbent on the Security Council to take action to enforce the implementation of the peace package which it has fully supported and endorsed. The Ethiopian regime must not be allowed to hold the peace process hostage, incessantly forwarding new conditions every time a proposal is accepted by Eritrea. It is now apparent that Eritrea accepts and Ethiopia rejects the OAU peace package. This consistent Ethiopian character only proves that Ethiopia is and has always been intent on dictating its will to usurp Eritrean sovereign territory by the use of force. Now that Eritrea's total acceptance and Ethiopia's rejection of the OAU peace package is clear, the Security Council must take a clear position and firm measures directed at the obstacle to peace - Ethiopia. To repeat calls and take measures on "both sides" when the positions of the two sides are clear and diametrically opposed would be irresponsible, and would only encourage the continuation of war, destruction and death that only one side - Ethiopia - is responsible for. In the enclosed statement, Eritrea is calling on the Security Council to take quick action against Ethiopia, to stop Ethiopia's war of aggression against Eritrea, which has become a menace to peace and stability in the whole region as well.

I should be grateful if you would circulate this present letter and its annex as a document of the Security Council.

(Signed) Haile MENKERIOS
Ambassador
Permanent Representative

Annex

Press release issued by the Ministry of Foreign Affairs of Eritrea on 6 September 1999

TPLF regime rejects OAU peace package

The Tigre People's Liberation Front (TPLF) regime has formally rejected, in a statement issued by its Foreign Ministry on Saturday, 4 September 1999, the Technical Arrangements worked out by the Organization of African Unity (OAU), the United Nations, Algeria and the United States of America for the scrupulous implementation of the OAU peace package.

Ethiopia's statement is tantamount to a declaration of war. It does not, indeed, constitute a rejection of the Technical Arrangements alone but of the entire OAU peace package.

The present development - grave as it is - is not surprising to Eritrea. The truth is that the TPLF regime never accepted the Framework Agreement although it had professed to do so at the time for obvious, public relations reasons. It was evident from the outset that the TPLF regime could not possibly accept the peaceful resolution of the conflict through the demarcation of the boundary as it knows full well that it has no legal basis for its territorial "claims".

This was previously why TPLF balked away from the implementation of the Framework Agreement, raising issues of "interpretation", when Eritrea announced its unequivocal acceptance of the Agreement. As Eritrea underlined repeatedly then, Ethiopia's pretexts were not genuine but a rather transparent ruse aimed at torpedoing the peace process. The Framework Agreement is otherwise unambiguous in its basic contents, which call for: (1) cessation of hostilities; (2) Eritrean withdrawal from Badme and environs as a sign of good will; (3) mutual withdrawal of both sides from the rest of the boundary; and (4) demarcation of the borders.

The apparent impasse led to the formulation of a supplementary document - the Modalities of Implementation - which was endorsed by the OAU Summit at Algiers last July.

The Modalities of Implementation extracted, in essence, more concessions from Eritrea. Indeed, although redeployment by either side is provisional without prejudice to the final status of the territories concerned, which will be determined only after demarcation, Eritrea was nonetheless expected to redeploy first from a number of areas not envisaged in the Framework Agreement. The sequencing of withdrawals was also worked out in a manner to satisfy the Ethiopian regime.

In spite of these reservations, Eritrea accepted the Modalities of Implementation, announcing its agreement at the Summit. President Isaias's words of acceptance to the Summit included: "... in the interests of peace, which we owe not only to the people of Eritrea, but, may I add, also to the

people of Ethiopia, and our continent as a whole, and as a mark of goodwill to OAU, Eritrea has decided to accept the Modalities of Implementation of the Framework Agreement. In accepting the Framework and Modalities, Eritrea hopes to make its small contribution to the realization of the lofty objective proposed by the newly elected President of Africa's giant, Nigeria, General Obasanjo - and I believe endorsed by this Summit - to make the year 2000 the Year of Peace and Security in Africa".

The TPLF regime did not accept the Modalities of Implementation at the time although it promised that it would "make its position known soon" without any qualifications; without, in the Prime Minister's words, "ifs and buts". But rather than accepting the Modalities and making its own contributions to peace, it began to conduct a campaign of disinformation to "discredit" Eritrea's acceptance. When this manoeuvring did not work and TPLF was pressed to clarify its position, it nominally accepted the Modalities of Implementation.

OAU special envoy Ahmed Ouyahia, as well as the envoy of President Clinton, Anthony Lake, subsequently visited both capitals from 21 to 24 July. The purpose of the visits was to secure formal signature of the two documents by both sides so as to embark on the implementation of the peace formula. Eritrea notified both envoys that it was ready to sign the documents and to fully cooperate in their implementation with the requisite sincerity and seriousness. The TPLF regime, however, brought up another excuse, arguing that it was not yet ready to sign the documents that it has formally accepted without first seeing the detailed implementation blueprint.

This was an obvious setback to OAU and its partners in peace. But again, the path chosen was one of patience and perseverance. As a result, technical experts from OAU, the United Nations, Algeria and the United States were assembled at Algiers, and on the basis of inputs provided by both sides, worked out the Technical Arrangements, which set out in extensive detail the procedures and time-frames for redeployment, reinstitution of temporary administrations and demarcation, as well as issues of compensation for deportees and other victims of war.

The Technical Arrangements were provided to both sides in the first week of August. Again, Eritrea accepted the Technical Arrangements promptly, also realizing that these were essentially implementation details worked out by international experts on the field.

But the TPLF regime continued to keep the peace process hostage through various subterfuges. First it asked for "clarifications". OAU subsequently provided the TPLF regime with an exhaustive response to its lengthy queries. Then it declined from making its position clear through various pretexts. It is against this backdrop of excessive tolerance and pampering by the international community that the Ethiopian regime has today rejected the three OAU peace formulas which must be taken as a package. The laxity with which the international community has dealt with TPLF acts of aggression and excesses of war, especially the massive deportation and detention of ethnic Eritreans, has no doubt encouraged the regime to believe that it can defy fundamental principles of international law with impunity.

The timing of Ethiopia's explicit rejection of the OAU peace package further exposes its underlying motive. The regime has been resorting to dilatory tactics in order to gain time as it prepares to launch another round of offensives. Indeed, Ethiopia's Prime Minister had publicly stated last June that "the offensive will be launched at the right time when our preparations are completed. It will not be brought forward by one day or delayed by another day". Ethiopia's current statement indicates, without any shred of doubt, that it is about to unleash its war of aggression.

Eritrea remains convinced that another round of military confrontations will only entail more destruction and unnecessary human loss. The ultimate solution of the conflict will otherwise be through demarcation and on the negotiating table. TPLF military adventures will thus serve no purpose other than to destabilize the region and entail unnecessary human suffering.

In the circumstances, Eritrea urges all those interested in the maintenance of peace and security in the region to:

(1) Strongly condemn the TPLF's declaration of war against Eritrea;

(2) Demand that the TPLF regime accept and implement in good faith the OAU peace package that has been endorsed by the international community;

(3) Impose punitive measures against the TPLF regime for its acts of aggression against a sovereign State in violation of fundamental principles of international law.

Evidently, Eritrea will have no choice but to resort to legitimate acts of self-defence. The TPLF regime shall bear all responsibilities for the consequences that may ensue.

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LETTER DATED 7 SEPTEMBER 1999 FROM THE PERMANENT REPRESENTATIVE OF ETHIOPIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit to you a press statement on the current situation in the Ethio-Eritrean conflict issued by the Ministry of Foreign Affairs of Ethiopia on 4 September 1999 (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Duri MOHAMMED
Ambassador

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Annex

Statement issued on 4 September 1999 by the Ministry of Foreign Affairs of Ethiopia on the current situation in the Ethio-Eritrean conflict

Ethiopia's commitment to the peaceful resolution of the conflict that has been imposed on it by Eritrea is well known. From the beginning Ethiopia has called for Eritrea to withdraw its troops from territories it occupied by force and to resolve the border issue peacefully, while reserving her prerogative to exercise her right to self defence.

It is also well known that, not only did Eritrea ignite the war by launching its aggression in May 1998, but in rejecting the proposals of the Organization of African Unity (OAU) over the months, the Eritrean regime bears full responsibility for the perpetuation of the conflict and the thousands of casualties - those killed, maimed or displaced on both sides by the war.

Even now as they profess their support for a peaceful settlement, Eritrea's leaders remain set on the path of war and continue to fan the flames of conflict. What are mentioned here are highlights illustrating their aggressive posture:

- In launching attacks on Ethiopian positions on the Zalambessa front as recently as 1 and 2 September, they have made it clear that the Eritrean Government is far from being prepared for peace and that their professed acceptance of the OAU peace plan goes no further than being a public relations exercise;

- They have recently issued a statement that can only be interpreted as a call to arms;

- They have embarked on a new round of military conscription, press-ganging children and persons above the age of 60 to join the armed forces;

- They have intensified their proxy war against Ethiopia through Somalia by launching terrorist groups, such as the OLF and the Al Ittihad, a movement linked to terrorists of international notoriety;

- Their fanning of conflict, anarchy and lawlessness in Somalia, in addition to targeting Ethiopia, is prolonging the agony of the Somalis who seek national reconciliation, and is even bringing the conflagration to the Kenyan borderlands;

- They seek to destabilize Djibouti by planting mines and promoting insecurity along the northern borders of Djibouti;

- In the areas they have occupied by force in Ethiopia, they have begun to dismantle settlements and towns such as Zalambessa;

- In the occupied areas, they have expelled Ethiopian residents in an attempt to transform the Ethiopian identity of the territories and to rid the localities of all who can bear witness against Eritrea.

All in all, the multi-pronged aggressive behaviour of the Eritrean terrorist regime leaves no doubt that it is not serious about peace, and therefore cannot be trusted to implement an agreement that is designed to bring lasting peace between Ethiopia and Eritrea. It cannot be forgotten that, not only did Eritrea start the war, but by refusing to accept the OAU peace formula, it caused the deaths of thousands of Ethiopians and Eritreans over the past year. If what Eritrea is saying today is to be believed, it could have said the same 16 months ago and avoided the loss of thousands of lives.

For its part, Ethiopia has been committed to a genuine and lasting peaceful resolution of the dispute from the very beginning. It accepted the Framework Agreement, and the Modalities for its implementation recognizing that the documents reflected the principles that Ethiopia, too, shared.

Regarding the proposed "Technical Arrangements", Ethiopia realized that the proposals not only contained matters related to technical implementation, but fundamental issues that showed inconsistency with the Framework Agreement and its Modalities.

Ethiopia considered that the cardinal principle which the peace process needed to uphold - that aggression cannot be rewarded - was dealt with in an unsatisfactory manner in the provisions of the "Technical Arrangements" relating to the restoration of the status quo ante. This is why Ethiopia, among other things, sought clarifications from the OAU.

The "Technical Arrangements" also contained new provisions not found in the Framework Agreement and Modalities, related to a peacekeeping mission and matters involving sovereignty and governance in the areas of redeployment that indicated that the return to the status quo ante was not fully assured.

The withdrawal of Eritrean troops from areas they have occupied by force and the return of the territories fully to their former administration is a matter of fundamental principle for Ethiopia and the OAU. It is imperative that the "Technical Arrangements" comply fully with this requirement. In general, while the clarifications provided by the OAU have been helpful, Ethiopia needs to be certain that its territories taken by force are restored. It cannot compromise its vital interests for the sake of appearing to stand for peace. The Government of Ethiopia has made a commitment to its people that it will not allow aggression to stand. The promise must be kept. This requires the Ethiopian Government to insist on the removal of all loopholes that might impede the full restoration of the status quo ante.

It is in this spirit that the dialogue with the OAU continues. Ethiopia hopes that, through the continued consultations, an acceptable arrangement can be worked out.

Ethiopia's commitment to peace cannot change. Ethiopia seeks nothing more than the restoration of its sovereignty. The Eritrean regime, on the other

hand, continues its subterfuge. While declaring its support for peace, it persists and even intensifies its aggressive activities along the border and in the subregion. The international community cannot be blind to this. Clearly Ethiopia cannot afford to look the other way when its vital interests are at stake.

Ministry of Foreign Affairs
4 September 1999

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ORIGINAL: ENGLISH

LETTER DATED 7 SEPTEMBER 1999 FROM THE PERMANENT REPRESENTATIVE OF IRELAND TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have been asked to inform you that Mr. David Andrews, T.D., Minister for Foreign Affairs of Ireland, in the capacity of Personal Representative of the Presidency of the European Union, observed the popular consultation in East Timor on 30 August 1999. The Minister, in this capacity, sent to Ambassador Jamsheed Marker, Special Representative of the Secretary-General and to the Head of the United Nations Mission in East Timor (UNAMET), Mr. Ian Martin, a composite report of the European Union observer groups who also observed the consultation process.

Following your announcement, on 3 September 1999, that the outcome of the ballot reflected the expression of the democratic will of the people of East Timor, Minister Andrews reported last weekend on the outcome of the process to other European Union foreign ministers at their informal meeting in Saariselka, Finland. He indicated that, while the very high turnout of registered voters, and the orderly and peaceful conduct of the poll represented a great success for the people of East Timor and for UNAMET, there were growing concerns about the security situation on the ground and the apparent failure of the Indonesian security forces to provide protection for the citizens of East Timor.

Since then, a critical situation has developed, with the breakdown of law and order, and reports of widespread killings and other violations of human rights. It is the view of the Irish Government that the manifest failure of the Indonesian security forces to discharge their obligations under the 5 May 1999 agreement on security arrangements (A/53/951-S/1999/513, annex III), and the intimidation of the United Nations and other international personnel, are matters of the gravest concern. In the absence of any effective action by the Indonesian security forces, there is a risk that the outcome of the referendum may be vitiated.

Noting that the Security Council is seized of the issue, and that an important Security Council mission is currently conducting talks in Jakarta, the Minister for Foreign Affairs of Ireland wishes to convey the view of the Irish Government that, if Indonesia is unable to maintain security in East Timor, other possibilities must be examined and that, in this context, Ireland would support the deployment of an agreed peacekeeping force.

I should be grateful if you would have the present letter circulated as a document of the Security Council.

(Signed) Richard RYAN
Permanent Representative

UNITED NATIONS **A S**

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GENERAL ASSEMBLY
Fifty-fourth session
Item 76 of the provisional agenda*
GENERAL AND COMPLETE DISARMAMENT

SECURITY COUNCIL
Fifty-fourth year

Letter dated 3 September 1999 from the Permanent Representative of Mongolia to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit to you herewith the text of the memorandum of the Government of Mongolia on Mongolia's international security and nuclear-weapon-free status, issued on 1 September 1999 (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the fifty-fourth session of the General Assembly, under item 76 of the preliminary list, and of the Security Council.

(Signed) Jargalsaikhany ENKHSAIKHAN
Ambassador
Permanent Representative

* A/54/150.

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Annex

Memorandum of the Government of Mongolia on Mongolia's international security and nuclear-weapon-free status

This century has witnessed tremendous leaps in science and technology that hold the promise of accelerating social progress and creating new wealth for the benefit of humankind. These achievements raise the hopes of the international community to live in a better and safer world. At the threshold of the twenty-first century humankind is faced with various challenges of a global nature requiring global solutions, which can only be achieved through the collective efforts of the entire world community. The proliferation of weapons of mass destruction, particularly nuclear proliferation, still poses a threat to international peace and security. The strengthening of the international non-proliferation regime and making a resolute turn towards effective disarmament, especially in the field of nuclear disarmament, remains one of the challenges facing the world.

Mongolia believes that all States are called upon, individually or collectively, to contribute to the strengthening of international peace and security, promoting general and complete disarmament. Therefore it fully supports the efforts of States, international organizations and civic movements aimed at reducing and removing the threats to international peace and security, taking preventive measures, conducting constructive dialogue and developing friendly relations and cooperation among nations. On its part, Mongolia also strives to actively promote regional dialogue and cooperation in different fields, including in strengthening peace and security. It is in this spirit, in 1998 Mongolia joined the Association of South-East Asian Nations (ASEAN) Regional Forum and supports the efforts to develop a regional security arrangement in north-east Asia.

Among the global efforts to strengthen nuclear security and the non-proliferation of nuclear weapons, Mongolia attaches particular importance to the role played by the non-nuclear States in enhancing global and regional peace and security by establishing nuclear-weapon-free zones in various parts of the world. At present these nuclear-weapon-free zones cover more than 50 per cent of the Earth's land mass and contribute to the goal of strengthening nuclear security and non-proliferation.

The Mongolian Government believes that nuclear-weapon-free zones, which at present embrace 107 States, are called upon to play an important role in curbing the spread of nuclear weapons and should therefore remain as a priority goal of the international community in the field of disarmament, as humankind enters the twenty-first century. Therefore Mongolia supports establishing new zones, as reflected in the Principles and objectives for nuclear non-proliferation and disarmament, adopted by the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

Mongolia not only strongly supports the establishment of nuclear-weapon-free zones in various parts of the world, but, given its unique geographical location and historical experience, strives to make its concrete practical

contribution, however modest, to this noble cause. Mongolia is located between two nuclear-weapon States that share thousands of miles of common border with each other, as well as with Mongolia, and have, in the past, conducted nuclear tests in Mongolia's vicinity.

Guided by the desire to contribute, in its own way, to the cause of nuclear non-proliferation, and in line with its foreign policy aimed at contributing to regional peace and security, as well as ensuring the country's national security by political and diplomatic means, in 1992, Mongolia declared its territory a nuclear-weapon-free zone. Since then it has undertaken intensive consultations with the States concerned, especially the five nuclear-weapon States, to materialize its initiative. The initiative was welcomed and supported by the nuclear-weapon States. Also, many other States and the entire Movement of Non-Aligned States welcomed Mongolia's initiative. The latter expressed its full support for Mongolia's policy to institutionalize its nuclear-weapon-free status.

The first stage of the above consultations and negotiations culminated in the adoption by the United Nations General Assembly, on 4 December 1998, of the consensus resolution 53/77 D, entitled "Mongolia's international security and nuclear-weapon-free status".

The resolution welcomed Mongolia's nuclear-weapon-free status and invited Member States, including the five nuclear-weapon States, to cooperate with Mongolia in taking the necessary measures to consolidate and strengthen its international security and nuclear-weapon-free status. It also requested the Secretary-General of the United Nations and relevant United Nations bodies to provide assistance to Mongolia to take the necessary measures mentioned in the resolution.

Mongolia's initiative reflects a novel approach towards the concept and practice of establishing nuclear-weapon-free areas, bearing in mind the specifics of the case involved. Mongolia's unique location enables it to take equally unique approach to the question of creating non-traditional nuclear-weapon-free areas. Thus the question of the nuclear-weapon-free status is addressed in tandem with Mongolia's overall external security concerns and needs, including its economic and ecological needs arising out of its landlocked location and fragile ecosystem.

The consultations have also demonstrated that, since the approach is a novel one, it requires careful examination and needs to address the legitimate interests of all the States concerned. Mongolia is prepared to address these interests.

Inspired by the international community's support for its initiative and committed to institutionalizing the nuclear-weapon-free status, Mongolia is taking steps this fall to enact national legislation defining and regulating its nuclear-weapon-free status based on the existing and evolving practice and reflecting its unique situation.

The Government of Mongolia is consulting with the States concerned, especially the five nuclear-weapon States, on the ways and means of implementing

General Assembly resolution 53/77 D, namely defining the country's nuclear-weapon-free status as well as addressing its international security needs and interests. Thus, since the adoption of the General Assembly resolution, two rounds of expert level consultations have been held with the representatives of the nuclear-weapon States.

Mongolia believes that its nuclear-weapon-free status, once defined, should enjoy the same international status as the existing nuclear-weapon-free zones and that, taken together with the measures to strengthen its external security, it could form a separate international regime.

Mongolia is committed to working together with the countries concerned in defining its nuclear-weapon-free status and identifying the country's international security needs, the areas of possible bilateral, trilateral and regional cooperation as well as the role of the United Nations and regional arrangements. The regional disarmament meeting held from 3 to 5 August 1999 in Ulaanbaatar, under the auspices of the Mongolian Government and the United Nations, examined, inter alia, questions pertaining to Mongolia's external security needs and its nuclear-weapon-free status and generated many constructive ideas. During this meeting, all States concerned reiterated their resolve to work with Mongolia in this question.

The Government of Mongolia expresses its deep conviction that the implementation of resolution 53/77 D, as well as identification and respect for the country's clearly defined nuclear-weapon-free status, would contribute to enhancing predictability and stability, as well as to confidence-building, not only in the north-east Asian region, but also in the Asia-Pacific region in general. The Government believes that the international community will continue to extend its valuable support and cooperation to Mongolia's policy of promoting the goals of non-proliferation and strengthening its international security.

UNITED NATIONS **S**

Security Council

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S/1999/952
7 September 1999

ORIGINAL: ENGLISH

LETTER DATED 3 SEPTEMBER 1999 FROM THE PERMANENT REPRESENTATIVE OF THE REPUBLIC OF KOREA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to refer to my previous letter dated 15 June 1999 (S/1999/695) addressed to the President of the Security Council concerning the incidents caused by the intrusion of North Korean vessels into the territorial waters off the west coast of the Republic of Korea.

In view of the related developments, including a unilateral declaration by the North Korean military authority on 2 September 1999 to set up a so-called "North Korean Military Demarcation Line in the West Sea (Yellow Sea)" in defiance of the existing Northern Limit Line (NLL), I have been instructed to inform you of the position of my Government as follows:

1. The NLL has been recognized by both South and North Korea since the conclusion of the Armistice Agreement in 1953 and thus remains effective as the only existing demarcation line that separates the South and the North in the Yellow Sea.

2. The NLL was reaffirmed by the South-North Basic Agreement concluded in 1992, which provides that "the South-North demarcation line and the areas for non-aggression shall be identical with the Military Demarcation Line (MDL) provided in the Armistice Agreement of 27 July 1953, and the areas that each side has exercised jurisdiction until the present time".

3. The NLL has served as the only practical security scheme in the Yellow Sea separating the forces of South and North Korea, thus contributing to the maintenance of peace and security on the Korean Peninsula.

4. For these reasons, the Government of the Republic of Korea categorically rejects the so-called demarcation line declared unilaterally by North Korea in violation of the 1992 South-North Basic Agreement. The Republic of Korea is determined to uphold the existing NLL as firmly as the Military Demarcation Line.

I should be grateful if you would have the text of the present letter circulated as a document of the Security Council.

(Signed) LEE See-young
Permanent Representative

99-25688 (E) 070999

UNITED NATIONS **S**

Security Council

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S/1999/953
7 September 1999

ORIGINAL: ENGLISH

LETTER DATED 7 SEPTEMBER 1999 FROM THE CHARGÉ D'AFFAIRES OF THE PERMANENT MISSION OF YUGOSLAVIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have been instructed by my Government to lodge the strongest protest with regard to regulation No. 1999/4 of Special Representative of the Secretary-General Bernard Kouchner, permitting the use of foreign currencies as legal tender in Kosovo and Metohija, the autonomous province of the Yugoslav constituent Republic of Serbia.

The regulation constitutes a most flagrant violation of Security Council resolution 1244 (1999) and an attack on the sovereignty, monetary and financial unity and the economic, legal and, by extension, territorial integrity of the Federal Republic of Yugoslavia. Alongside the abolition of the Yugoslav monetary and financial laws and control, the permission is a crass excess of the mandate of the Special Representative of the Secretary-General and amounts to the continuation of aggression by other means, aimed at separating Kosovo and Metohija from the constitutional and legal whole of the Federal Republic of Yugoslavia. The provision to the effect that the revenues and budgets of all physical and legal persons will be made in foreign currencies is along the same lines, as well as the paradoxical provision that a compulsory payment may be paid in dinars with a charge of "an additional administrative fee to cover handling and transaction costs".

These illegal and arbitrary acts of the Special Representative of the Secretary-General are outside the bounds of relevant behaviour and seriously threaten the process of finding a solution to Kosovo and Metohija on the basis of Security Council resolution 1244 (1999). Therefore, the Federal Republic of Yugoslavia calls on the Security Council to condemn the regulation most energetically and to cancel it immediately.

I should be grateful if you would have the present letter circulated as a document of the Security Council.

(Signed) Vladislav JOVANOVIC
Chargé d'affaires a.i.

99-25694 (E) 070999

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Security Council

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GENERAL

S/1999/954
8 September 1999

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL ON THE SITUATION CONCERNING WESTERN SAHARA

I. INTRODUCTION

1. The present report is submitted pursuant to Security Council resolution 1238 (1999) of 14 May 1999, by which the Council extended the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) until 14 September 1999, and asked me to report every 45 days on significant developments in the implementation of the Settlement Plan for Western Sahara (S/21360 and S/22464 and Corr.1), of the agreements reached between the parties, the Kingdom of Morocco and the Frente Popular para la Liberación de Saguía el-Hamra y del Río de Oro (Frente POLISARIO), under the auspices of my Personal Envoy, Mr. James A. Baker III (S/1997/742, annexes I-III), and of the United Nations package of measures (S/1999/483/Add.1).

2. As provided in its resolution 1238 (1999), the Security Council's decision to extend the mandate of MINURSO until 14 September 1999 was taken in order to resume the identification process, start the appeals process and conclude all outstanding agreements needed to implement the Settlement Plan. At the same time, the Council requested me to report on the issues which would form, inter alia, the basis for its consideration of a further extension of the Mission's mandate, namely, the full and unequivocal cooperation of the parties during the resumption of voter identification and during the start of the appeals process; agreement by the Government of Morocco on the modalities of implementing paragraph 42 of the Status-of-Forces Agreement; agreement of the parties on the protocol relating to refugees; and confirmation that the Office of the United Nations High Commissioner for Refugees (UNHCR) is fully operational in the region. The Council also requested UNHCR to provide recommendations for confidence-building measures and timelines for their implementation. The Council further requested me to submit a revised timetable and financial implications for the holding of the referendum for the self-determination of the people of the Western Sahara in accordance with the Settlement Plan and the agreements with the parties for its implementation. The present report covers developments since my previous report to the Security Council, dated 12 August 1999 (S/1999/875).

II. DEVELOPMENTS DURING THE REPORTING PERIOD

3. My Special Representative for Western Sahara, Mr. William Eagleton, pursued consultations with the parties with a view to securing the continuation of the appeals process and the simultaneous identification of the remaining applicants from tribal groupings H41, H61 and J51/52, as well as preparatory work for the repatriation of refugees and other Saharans residing outside the Territory who are eligible to vote, together with their immediate families. To this end, my Special Representative met with the Prime Minister of Morocco, Abderrahmane Youssoufi, the Minister of the Interior, Driss Basri, the Minister for Foreign Affairs, Mohamed Benaissa, and the Permanent Representative of Morocco to the United Nations, Ahmed Snoussi, at Rabat from 16 to 19 August 1999. The Chairman of the Identification Commission of MINURSO, Eduardo Vetere, met with the Frente POLISARIO Coordinator with MINURSO, Emhamed Khaddad, at Tindouf on 17 and 18 August.

A. Identification and appeals

4. The above-mentioned consultations resulted in the settlement of two outstanding issues in the identification process, namely, the appointment by each side of a second Ait Ousa sheikh and the designation of advisers to the H61 sheikhs (see S/1999/875, para. 10). This led to the resumption, on 6 September, of the identification operations which had been suspended by the Identification Commission since 24 July 1999 (see S/1999/875, paras. 5 and 10). Commission staff deployed to appeals centres in July and August 1999 were re-assigned to identification operations after the closing of five appeals centres on 3 September, as indicated in paragraph 6 below.

5. As at 3 September 1999, a total of 47,796 appeals had been received by MINURSO and 14,750 applicants had accessed their identification files. The Identification Commission had provided 34,243 file transcripts to applicants. At some of the 16 appeals centres, the number of applicants reached 1,500 per day; the number of Commission staff was increased to cope with these large numbers of applicants. The majority of appeals received to date (40,440) are against non-inclusion in the first part of the provisional list of persons eligible to vote which, as indicated in my previous report (S/1999/875, para. 7), was issued on 15 July 1999. These appeals fall, for the most part, under article 9.1 (iii) of the appeals procedures (S/1999/483/Add.1), that is, appeals from candidates who have appeared before the Identification Commission but who, in the latter's estimation, have not established their eligibility to vote according to the eligibility criteria contained in the reports of the Secretary-General dated 19 December 1991 (S/23299, annex) and 28 July 1993 (S/26185, annex I). To date, 7,356 appeals challenging another person's inclusion in the provisional list have been received under article 9.2 of the appeals procedures.

6. On 3 September, in accordance with the six-week period allotted, the Identification Commission closed receipt of appeals at five centres (Laayoune in the Territory, Camp Smara in the Tindouf area of Algeria, Nouadhibou in Mauritania and Tan Tan and Goulimine in southern Morocco). The Commission plans to close five other centres (Marrakech in Morocco, Dakhla, Boujdour and Smara in

the Territory, and Zouerate in Mauritania) on 11 September and the remaining eight (Sidi Kacem, El Kelaa des Sraghna, Meknes, Rabat and Casablanca in Morocco, and the mobile centre in the Tindouf area covering Camps El Aiun, Smara and Dakhla) on 18 September. At the same time, the Commission is continuing the preparations for hearings on admissibility and substance of appeals.

7. Training was pursued at Agadir until 21 August for nine groups of new United Nations personnel, for a total of 88 trainees. The shortage of qualified staff to provide service for both the appeals and identification operations remains a major constraint, despite the envisaged redeployment of personnel to the identification operations after the closing of appeal centres between 3 and 18 September. Staffing requirements will again be evaluated once the total number of appeals is known. At the same time, the Organization of African Unity (OAU) is increasing the strength of its observer delegation to MINURSO, to ensure adequate coverage of the identification and appeals work.

8. Standard communications matériel essential for the functioning of the identification centres has been held for several weeks at the airport customs in Laayoune, awaiting certification by the Agence nationale de réglementation des télécommunications. In this connection, MINURSO is seeking a waiver of certification for the United Nations communication equipment. The Permanent Mission of Morocco to the United Nations is being approached to that effect.

B. Military aspects

9. Meetings were held between the MINURSO Force Commander, Major-General Bernd S. Lubenik (Austria) and Moroccan representatives on 16 and 24 August, on modalities for the implementation of paragraph 42 of the status-of-forces agreement between the United Nations and Morocco, concerning the carriage of weapons. Further discussions are expected to be held in September, with a view to finalizing an arrangement to that effect.

10. At the same time, satisfactory progress has been made in the implementation of the military agreements between MINURSO and each party on the marking and disposal of unexploded ordnance and the related exchange of detailed information. Both parties continued to extend their full cooperation to MINURSO, with 61 per cent of current tasks west of the defensive sand-wall (berm) and 35 per cent of those east of the berm completed.

11. As at 6 September 1999, the strength of the military component of MINURSO stood at 230 military observers and other personnel (see annex). The component continued to monitor the ceasefire between the Royal Moroccan Army and the Frente POLISARIO forces, which came into effect on 6 September 1991. The MINURSO area of responsibility remains calm and there have been no indications that either side intends to resume hostilities in the near future.

C. Civilian police aspects

12. During the reporting period, the civilian police component of MINURSO continued to assist the Identification Commission at identification and appeal centres. Its current strength stands at 80 civilian police officers (see annex) out of an authorized strength of 81, under the command of the Acting Commissioner, Assistant Commandant Sunil Roy (India). An additional 25 civilian police officers have been requested to assist the Identification Commission in conducting the identification and appeals processes simultaneously, as required.

D. Preparatory work for the repatriation of Saharan refugees

13. During the reporting period, the Office of the United Nations High Commissioner for Refugees (UNHCR), in close consultation and coordination with MINURSO, continued its preparatory work for the repatriation of Saharan refugees as provided for under the Settlement Plan. UNHCR has established its presence in the region. Missions are deployed to the area as and when required to conduct the necessary activities aimed at completing the preparatory work and planning for the repatriation of the refugees.

14. Pursuant to Security Council resolution 1238 (1999), a UNHCR mission visited Rabat on 24 and 25 August 1999 and had discussions with Interior Minister Basri and other officials of the Ministry of the Interior, regarding the draft plan of action on cross-border confidence-building measures. The Moroccan authorities agreed in principle with the activities envisaged by UNHCR, which are aimed at fostering a climate of confidence within the Territory and in the Tindouf refugee camps. Minister Basri reiterated his Government's full support and cooperation to enable UNHCR to complete its preparatory activities as provided for under the Settlement Plan. Some progress was also made with the Moroccan authorities in the discussions regarding the draft refugee repatriation protocol.

15. The report on the joint MINURSO-UNHCR road reconnaissance has been completed and its findings will enable both MINURSO and UNHCR to update their respective logistics planning and enhance the necessary collaboration between UNHCR and the military and civilian police components of MINURSO. On the basis of the findings of the first joint reconnaissance visit to the Territory, UNHCR is now preparing a follow-up mission to complete its planning for the return of the refugees.

16. The UNHCR pre-registration exercise in the Tindouf camps was suspended on 21 August 1999 at the request of the Frente POLISARIO, owing to the holding of its annual congress, and is expected to resume on 10 September 1999. To date, 26,429 refugees (3,701 families) have been pre-registered. UNHCR continued to receive full cooperation from the Frente POLISARIO and the Government of Algeria in the implementation of its preparatory activities in the camps. The activities include the pre-registration and needs assessment of the refugees, who showed their eagerness to take part in the confidence-building activities and welcomed the UNHCR initiative in that regard. UNHCR is setting up meetings with the Government of Algeria and the Frente POLISARIO, for the holding of

detailed discussions on the draft plan of action for confidence-building measures and on the draft refugee repatriation protocol.

E. Other aspects

17. Mr. Emmanuel Roucounas (Greece), who was appointed by my predecessor as the Independent Jurist for Western Sahara in May 1995, has indicated that, owing to other commitments, he will no longer be able to serve in that capacity. I wish to place on record my personal appreciation and that of the United Nations for the outstanding contribution that Mr. Roucounas has made to the implementation of the Settlement Plan, in particular on issues related to the release of Saharan political prisoners and detainees. It is my intention to appoint a new Independent Jurist in due course.

III. FINANCIAL ASPECTS

18. As indicated in my previous report to the Security Council (S/1999/875, para. 22), the General Assembly, by its resolution 53/18 B of 8 June 1999, appropriated the amount of $52.1 million, equivalent to a monthly rate of some $4.3 million, for the maintenance of MINURSO at the strength authorized by the Council in its resolution 1133 (1997) for the period from 1 July 1999 to 30 June 2000.

19. With regard to the additional costs associated with the conduct of the identification and appeals processes, I intend to request authorization from the Advisory Committee on Administrative and Budgetary Questions to enter into commitments to incur additional expenditure for this purpose in an amount currently estimated at some $6.7 million. These additional requirements will be incorporated into the revised budget of MINURSO, which I intend to submit to the General Assembly at a later time, together with other requirements that may be necessary in connection with my future recommendations to the Council as to the preparations for the full deployment of MINURSO. Therefore, should the Council approve my recommendation, contained in paragraph 26 below, with regard to the extension of the mandate of MINURSO, the cost of maintaining the Mission will be within the monthly rate approved by the General Assembly and the commitment authority being sought from the Advisory Committee.

20. As at 31 August 1999, unpaid assessed contributions to the MINURSO special account amounted to $60.2 million. The total outstanding assessed contributions for all peacekeeping operations at that date amounted to $1,965.9 million.

IV. OBSERVATIONS AND RECOMMENDATIONS

21. While some delays have occurred, the continuation of the appeals process and the resumption of the identification operation on 6 September can be considered as positive indications that both Morocco and the Frente POLISARIO intend to maintain the progress made towards the holding of the referendum. Difficulties with respect to the nomination of additional sheikhs and of advisers to the sheikhs have been resolved. Shortages of qualified United

Nations personnel have been addressed in part. The Identification Commission now foresees the completion of identification for remaining applicants from the tribal groupings H41, H61 and J51/52 before the end of December 1999. However, the remaining tasks are still daunting. The number of appeals filed to date is substantial and will require more time and the deployment of a larger staff than originally envisaged. After the closure of receipt of appeals on 18 September 1999, the Commission will be in a better position to estimate the time required to complete the processing of the appeals and the holding of hearings.

22. I wish to place on record my appreciation for the close cooperation extended to MINURSO by the OAU observer delegation led by Ambassador Yilma Tadesse (Ethiopia), in support of the implementation of the Settlement Plan and in particular the work of the Identification Commission.

23. Preparations for the repatriation of refugees have been jointly addressed by UNHCR and MINURSO, and relevant consultations are in progress with the Government of Morocco and the Frente POLISARIO. The UNHCR plan of action for confidence-building measures is under discussion with the parties, as is the draft repatriation planning protocol. UNHCR has designated a senior representative to be posted to Laayoune, and is actively pursuing technical planning activities in the Territory. Pre-registration in the refugee camps in the Tindouf area is expected to resume on 10 September 1999, following a brief suspension during the Frente POLISARIO congress.

24. In consultation with United Nations Headquarters, discussions between MINURSO and the Moroccan authorities are in progress on modalities for implementing paragraph 42 of the status-of-forces agreement concerning the carriage of weapons by MINURSO troops. An arrangement to that effect is expected to be finalized this month.

25. While the developments outlined above fall short of earlier expectations, I believe that, when account is taken of events outside the control of the parties and the United Nations, they could be considered as progress. However, given the delays which have occurred in the identification operations, I am not yet in a position to submit to the Security Council a revised timetable and financial implications, including recommendations that the Council authorize preparations for the full deployment of MINURSO. I believe that it should be possible to do so early in December 1999, if present efforts are maintained and enhanced by all concerned.

26. In the meantime, I recommend that the Security Council consider extending the mandate of MINURSO for a period of three months, until 14 December 1999. This would allow for the completion of identification as envisaged and for a comprehensive assessment of steps taken towards the completion of the appeals process, as well as towards the preparation of repatriation and the start of the transitional period.

Annex

United Nations Mission for the Referendum in Western Sahara

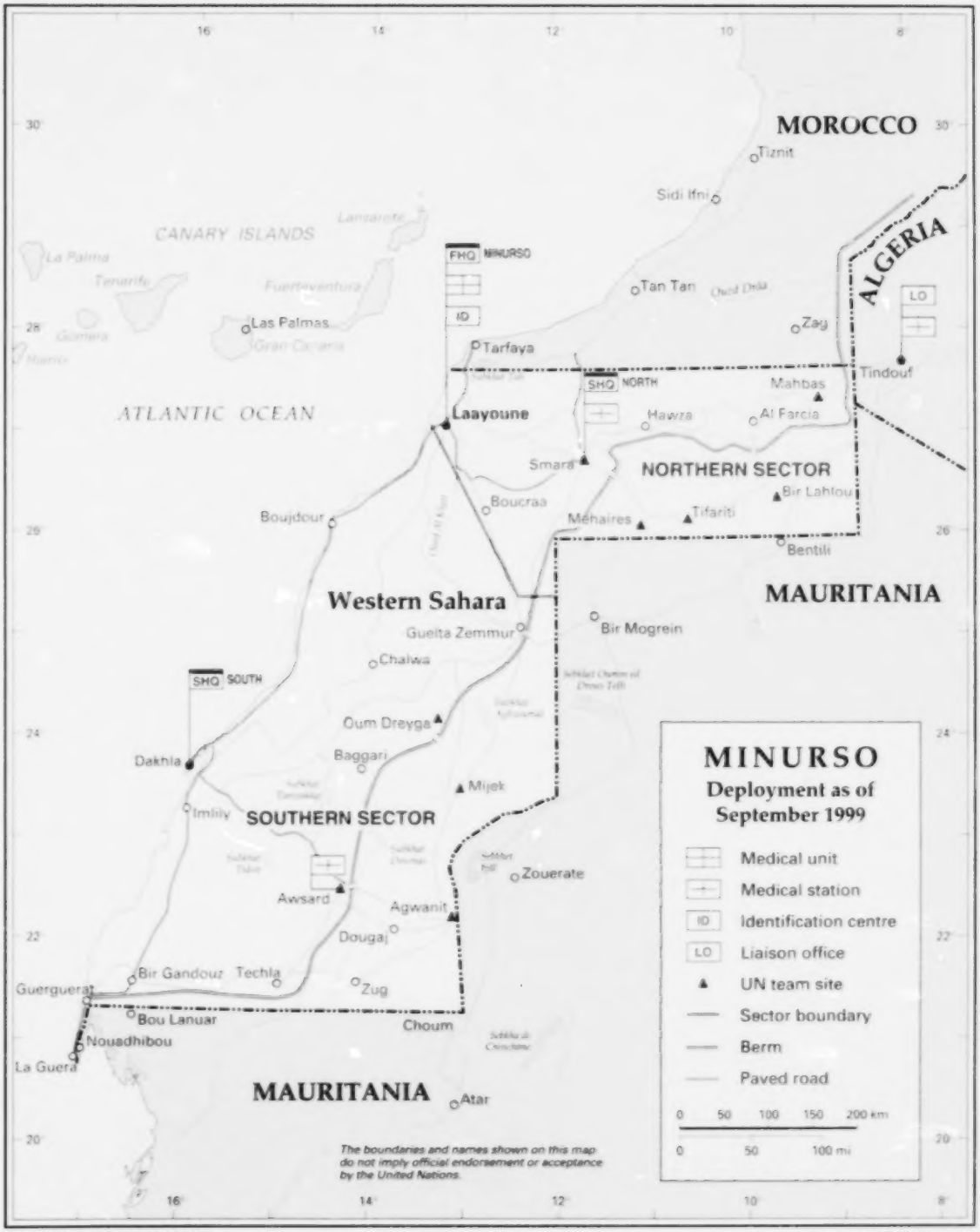
Contributions as at 6 September 1999

	Military observers	Troops	Civilian police observers	Total
Argentina	1	-	-	1
Austria	5	-	-	5[a]
Bangladesh	6	-	-	6
China	16	-	-	16
Egypt	19	-	1	20
El Salvador	2	-	-	2
France	25	-	-	25
Ghana	6	7	9	22[b]
Greece	1	-	-	1
Guinea	3	-	-	3
Honduras	12	-	-	12
Hungary	-	-	5	5
Ireland	7	-	-	7
India	-	-	10	10
Italy	5	-	-	5
Kenya	8	-	-	8
Malaysia	13	-	10	23
Nigeria	5	-	10	15
Norway	-	-	2	2
Pakistan	6	-	9	15
Poland	3	-	-	3
Portugal	4	-	9	13
Republic of Korea	-	20	-	20
Russian Federation	25	-	-	25
Senegal	-	-	5	5

	Military observers	Troops	Civilian police observers	Total
Sweden	-	-	10	10
Uruguay	13	-	-	13
United States of America	15	-	-	15
Venezuela	3	-	-	3
Total	203	27	80	310

[a] In addition to the Force Commander.

[b] One Ghanaian civilian police officer will arrive in the mission area in a few days time.



Map No. 3691 Rev. 25 UNITED NATIONS
September 1999

Department of Public Information
Cartographic Section

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NATIONS

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8 September 1999

ORIGINAL: ENGLISH

LETTER DATED 8 SEPTEMBER 1999 FROM THE PERMANENT REPRESENTATIVE OF PORTUGAL TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Bearing in mind the very grave situation and the reports of mass killings and wanton destruction in East Timor, as well as the imminent evacuation of the remaining UNAMET staff and other personnel, I have the honour, under instructions from my Government in its capacity as administering Power of the Non-Self-Governing Territory of East Timor, to request an urgent meeting of the Security Council on the situation in East Timor, in accordance with the relevant provisions of the United Nations Charter and the provisional rules of procedure of the Security Council.

(Signed) António MONTEIRO
Ambassador
Permanent Representative
to the United Nations

99-25785 (E) 080999

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Security Council

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8 September 1999

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LETTER DATED 8 SEPTEMBER 1999 FROM THE CHARGÉ D'AFFAIRES A.I. OF THE PERMANENT MISSION OF ANGOLA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

In our capacity as President of the Community of Portuguese-Speaking Countries (CPLP), I have the honour to request that the attached declaration on the situation in East Timor, made by the member States of CPLP in Lisbon on 6 September 1999, be issued as a document of the Security Council (see annex).

(Signed) Josefa COELHO DA CRUZ
Minister Counsellor
Chargé d'affaires a.i.

99-25821 (E) 080999

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Annex

Declaration on the situation in East Timor made by the Member States of the Community of Portuguese-Speaking Countries (CPLP) in Lisbon on 6 September 1999

The Community of Portuguese-Speaking Countries (CPLP) expresses its deep appreciation for the exemplary and democratic manner in which the people of East Timor exercised their right to choose their own future through the popular consultation that took place on 30 August 1999, the results of which have unequivocally expressed the option of this brotherly people for national independence.

CPLP manifests its most vivid repulsion and indignation at the wave of violence and terror that has been intensifying in East Timor, provoked by the forces that insist in stopping the course of history.

CPLP underlines the necessity for Indonesia to fully assume its responsibilities emanating from the agreements signed in New York, to do everything in its powers for the re-establishment of security, tranquillity and public order in East Timor.

CPLP vehemently calls upon the international community, in particular the United Nations Security Council, to do everything for the rapid re-establishment of security and normality, including the deployment of peacekeeping forces to the territory.

CPLP considers it fundamental that the announced release of Xanana Gusmao proceed without further delay, in conditions of security, in total respect for his physical and moral integrity and in such a way that he will be able to actively participate in the reconciliation process of the East Timorese people.

CPLP would like to enhance the role of the United Nations Mission in East Timor (UNAMET) and considers it indispensable that, besides the above measures, the adequate and pertinent necessary conditions be created to ensure a peaceful, orderly and democratic transition to independence, in the conviction that independence will bring together all Timorese without exclusion, in a fatherland of fraternity and respect for the sovereign will of the people.

UNITED
NATIONS

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Security Council

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8 September 1999

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REPORT OF THE SECRETARY-GENERAL TO THE SECURITY COUNCIL ON THE PROTECTION OF CIVILIANS IN ARMED CONFLICT

I. INTRODUCTION

1. On 12 February 1999 the Security Council held an open meeting on the matter of the protection of civilians in armed conflict. The Council noted with concern that civilians continued to be targeted in instances of armed conflict, in flagrant violation of international humanitarian and human rights law (S/PRST/1999/6). The Council requested that I submit a report with recommendations on how it could act to improve both the physical and legal protection of civilians in situations of armed conflict. I hereby submit the present report to the Security Council in response to that request.

2. Despite the adoption of the various conventions on international humanitarian and human rights law over the past 50 years, hardly a day goes by where we are not presented with evidence of the intimidation, brutalization, torture and killing of helpless civilians in situations of armed conflict. Whether it is mutilations in Sierra Leone, genocide in Rwanda, ethnic cleansing in the Balkans or disappearances in Latin America, the parties to conflicts have acted with deliberate indifference to those conventions. Rebel factions, opposition fighters and Government forces continue to target innocent civilians with alarming frequency.

3. International humanitarian and human rights law set out the rights of civilians and the obligations of combatants during time of conflict. Yet, belligerents throughout the world refuse to respect these statutes, relying instead on terror as a means of control over populations. Terrible hardships are borne by those who are targeted and tremendous stresses are placed on those who attempt to cope with each crisis.

4. On 12 August 1999, on the fiftieth anniversary of the signature of the Geneva Conventions, I signed, with others, a solemn appeal to all peoples, nations and Governments to reject the idea that war is inevitable and to work tirelessly to eradicate its underlying causes; to demand of all those involved in armed conflicts that they respect the essential humanitarian principles and the rules of international law; to spare civilians the agony of war; and to foster relations between individuals, peoples and nations on the basis of respect for human dignity, compassion and solidarity.

5. This report offers clear recommendations on what must be done to protect civilians, including measures that the Security Council can adopt within its sphere of responsibility. The report seeks to encourage decisive Council action to address this critical issue and to promote a "climate of compliance". How the Council responds to this challenge will be of crucial importance.

II. THREATS AND VIOLENCE AGAINST CIVILIANS IN ARMED CONFLICT

6. International humanitarian law sets standards for parties to an armed conflict on the treatment of civilians and other protected persons. Virtually all Member States have ratified the Geneva Conventions of 1949,[1] with a majority having signed or ratified the 1977 Protocols.[2] There are also legal norms in international human rights law from which there can be no derogation or suspension in time of public emergency.

7. However, the failure of parties to armed conflict to comply with the law on the one hand, and the lack of effective enforcement mechanisms on the other, have led to a situation in which civilians suffer disproportionately, and which the international community appears powerless to prevent.

A. Attacks against civilians

8. In many of today's armed conflicts, civilian casualties and the destruction of civilian infrastructure are not simply byproducts of war, but the consequence of the deliberate targeting of non-combatants. The violence is frequently perpetrated by non-state actors, including irregular forces and privately financed militias. In many conflicts, belligerents target civilians in order to expel or eradicate segments of the population, or for the purpose of hastening military surrender.

9. One feature of internal conflicts today is that the dividing line between civilians and combatants is frequently blurred. Combatants often live or seek shelter in villages, and sometimes use innocent civilians, even children, as human shields. In some cases, communities provide logistic support to armed groups, either voluntarily or under compulsion, and become targeted as a consequence.

10. In some cases, civilians have been systematically tortured and killed. During the 1994 genocide in Rwanda, entire families were executed in their homes

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[1] To date, 188 countries have ratified the Geneva Conventions.

[2] Protocol I additional to the four Geneva Conventions of 1949 extends the definition of "international armed conflicts" to armed conflicts in which people are fighting against colonial domination, alien occupation and against racist regimes in the exercise of their right to self-determination. Protocol II additional to the Geneva Conventions develops and supplements article 3 common to the four Geneva Conventions concerning armed conflicts "not of an international character" occurring in the territory of one of the "High Contracting Parties".

and entire villages brutalized in an orchestrated campaign of mass extermination that claimed more than 500,000 lives. In Sierra Leone, since 1997, more than 5,000 civilians have suffered mutilations. In Burundi, over a quarter of a million people have been killed and hundreds of thousands repeatedly displaced.

B. Forced displacement

11. Today, there are over 30 million displaced people,[3] half of them children. Often exposed to systematic atrocities and without adequate physical protection, they are forced to flee, leaving behind their possessions, their homes and family members. Since this report was commissioned, large segments of the population of Kosovo in the Federal Republic of Yugoslavia were displaced, as well as hundreds of thousands of Angolans affected by the resumption of civil war there, to name just two places.

12. Forced displacement takes place both across and within national boundaries. People forced to leave their country of nationality or permanent residence should enjoy the protection of international refugee law, yet many do not. Internally displaced persons are in principle covered by the laws of their own country as well as by international humanitarian law applicable to victims of non-governmental conflicts and international human rights law.[4] Nevertheless, guarantees found in international human rights and humanitarian law are often disregarded by the country of origin or by the Government of the receiving State. Non-state actors are often unwilling or unable to meet the protection needs of displaced persons and refugees. This has led to many instances of containment and refoulement of refugees. In other cases, national authorities have been unwilling to acknowledge the existence of internally displaced persons and have obstructed international efforts to assist and protect them.

13. Furthermore, in many recent and current internal armed conflicts, combatants deliberately intimidate, attack and displace local populations to further their pursuit of economic control over natural resources. In such cases combatants rely on, and indeed profit from, civilian displacement.

C. Combatants and armed elements mixed with civilians in camps for refugees and internally displaced persons

14. Despite the promise of temporary refuge, camps do not always guarantee civilians protection. Failure to maintain the purely civilian and humanitarian character of camps means that civilians can find themselves living side by side

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[3] The Office of the United Nations High Commissioner for Refugees estimates the number of refugees at 13.2 million (The State of the World's Refugees - 1997-1998). The Representative of the Secretary-General for internally displaced persons estimates their number at between 20 and 25 million (E/CN.4/1999/79).

[4] The rights of internally displaced persons have been outlined in the "Guiding Principles on Internal Displacement", presented to the Commission on Human Rights in 1998 by the Representative of the Secretary-General on internally displaced persons (E/CN.4/1998/53/Add.2, annex).

with combatants or other armed elements. In such circumstances, relief supplies may be diverted to members of warring factions who do not qualify for international protection or assistance. Moreover, warring factions frequently control the movement of refugees, impeding return or other sustainable solutions.

15. The presence of combatants in internally displaced person and refugee camps can destabilize the situation in an entire region. The most striking example was the infiltration of refugee camps in Zaire (now the Democratic Republic of the Congo) and Rwanda following the end of the civil war in 1994 by the Interahamwe and Impuzamugambi militia and remnants of the former Rwandan Army. Such elements also jeopardize the safety and protection of civilians, especially children, who may be forcibly recruited. Camps in States neighbouring the refugees' home country are often too close to the border and become militarized. They therefore become susceptible to cross-border attacks, military incursions and infiltration.

D. Specific problems faced by children

16. The United Nations Children's Fund estimates that two million children have been killed as a direct result of armed conflict in the course of the last decade. Three times that many have been seriously injured or permanently disabled. Even greater numbers die of malnutrition and disease and more than 300,000 children under 18 years of age have been ruthlessly exploited as soldiers in government armed forces or armed opposition groups in ongoing conflicts.[5] Inevitably, many of the children recruited into the military are deprived of their basic rights, including those to family unity and education. Countless numbers of children experience grave emotional wounds as a result of their experiences and the events they witness.

17. The Machel report on the impact of armed conflict on children (A/51/306 and Add.1) drew attention to aspects of children's protection in armed conflict that require new policy, programme and operational responses. It drew particular attention to the gross violations of children's rights when they, as soldiers, are made to participate in mutilation campaigns, rape, gender-based violence and sexual abuse.

E. Specific problems faced by women

18. Complex emergencies have a different impact on women and men. While men account for the largest numbers of combatants, women and children are disproportionately represented among civilians affected by conflict. This usually leads to dramatic increases in the number of children and women heads of households, leading to abrupt changes in their roles and increases in their workloads. The breakdown of the social fabric and the disintegration of families during times of armed conflict often leave women and girls especially vulnerable to gender-based violence and sexual exploitation, including rape and forced prostitution. Women also constitute the majority of refugees and

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[5] See report of the Special Representative of the Secretary-General for Children and Armed Conflict of 12 October 1998 (A/53/482, paras. 18-22).

internally displaced persons: thus the burdens of displacement described above are disproportionately borne by them. Men on the other hand have been the major victims of summary mass executions in a number of recent wars.

F. Denial of humanitarian assistance and humanitarian access

19. Combatants target civilians in conflict by, among other things, attempting to restrict their access to food and/or other forms of life-saving assistance, or, indeed, deliberately starving them. In 1992 in Somalia, for instance, the parties to the conflict deliberately impeded the delivery of essential food and medical supplies, while during the siege of the enclaves in Bosnia and Herzegovina, civilians were systematically deprived of assistance necessary for their survival.

20. In this year alone, restrictions on the access of humanitarian organizations to those in need have put hundreds of thousands at risk in Angola, Kosovo (Federal Republic of Yugoslavia) and Sierra Leone. In the absence of any international presence, civilians affected by the conflicts in these areas are at the mercy of the warring parties and are dependent on them for the supplies they need.

G. Targeting of humanitarian and peacekeeping personnel

21. Humanitarian and peacekeeping personnel have increasingly become targets of organized violence. The protective emblem of the International Red Cross as well as the Red Crescent, and the United Nations flag, which represent the impartiality of relief workers, appear to offer less protection than ever. Threats against relief workers and peacekeeping personnel further restrict the ability of humanitarian organizations to ensure the delivery of assistance to vulnerable populations.

22. In recent years, United Nations staff and other humanitarian workers have lost their lives in Afghanistan, Angola, Bosnia and Herzegovina, Burundi, El Salvador, Ethiopia, Georgia, Haiti, Iraq, the Russian Federation (Chechnya), Rwanda, Sierra Leone, Somalia, the Sudan, Tajikistan and Uganda, while others have been abducted in Bosnia and Herzegovina, Georgia, Guatemala, Liberia, Peru, the Russian Federation (Chechnya), Somalia, the Sudan and Tajikistan. Death, injury or harassment of humanitarian personnel have become almost daily occurrences.

H. Widespread availability of small arms and continued use of anti-personnel landmines

23. The widespread use of small arms, light weapons and anti-personnel landmines has had a significant impact on the scope and level of the violence that affects civilian populations in armed conflict. The absence of effective controls on the transfer of small arms along with their low cost make them popular weapons in today's conflicts. These light and easy-to-use weapons have made it much easier to turn children into soldiers. Their easy availability to untrained combatants has also greatly increased the risks of delivering humanitarian assistance in affected areas.

24. Millions of unexploded low-cost anti-personnel landmines and other ordnance constitute the deadly legacy of more than two dozen wars. They kill and maim thousands of civilians every year. Landmines also deny the use of land for agriculture, impede the delivery of humanitarian assistance and development aid and disrupt and delay the resettlement and reintegration of returning internally displaced persons and refugees.

I. Humanitarian impact of sanctions

25. Recent experience has shown that sanctions can have a highly negative impact on civilian populations, especially children and women. Sanctions committees established by the Security Council to oversee the implementation of sanctions regimes have recently taken steps to streamline and expedite their procedures for processing humanitarian exemptions. Nonetheless, the collateral effects of such measures continue to give cause for concern in many cases.

26. Regional sanctions and embargoes are of special concern. Often hastily imposed by neighbouring countries without clear guidelines regarding the minimization of their humanitarian impact, regional sanctions have hampered the provision of emergency humanitarian assistance in recent years, particularly in Sierra Leone and Burundi. The impediments to the efficient processing of humanitarian exemptions by regional sanctions authorities have, on several occasions, prevented United Nations humanitarian operations from delivering urgently needed assistance.

III. MAINTAINING PEACE AND SECURITY - THE ROLE OF THE SECURITY COUNCIL IN THE PROTECTION OF CIVILIANS IN SITUATIONS OF ARMED CONFLICT

27. In its presidential statement of 12 February 1999 (S/PRST/1999/6), the Security Council noted that large-scale human suffering is a consequence and sometimes a contributing factor to instability and further conflict. Bearing in mind its primary responsibility for the maintenance of international peace and security, the Council affirmed the need for the international community to assist and protect civilian populations affected by armed conflict. The Council also expressed its willingness to respond, in accordance with the Charter of the United Nations, to situations in which civilians, as such, have been targeted or humanitarian assistance to civilians has been deliberately obstructed.

28. The above statement affirms the intimate connections between systematic and widespread violations of the rights of civilians and breakdowns in international peace and security.

29. It is now generally recognized that the maintenance of international peace and security requires action by the Security Council at all stages of a conflict or potential conflict. Whenever possible, action must be taken to address the root causes of conflict and to prevent disputes from escalating into violence. Where, for whatever reason, these preventive approaches cannot be effectively implemented or have failed, the main thrust of policy must be to minimize the consequences of the violence for civilian populations and to seek to bring hostilities to a close. In the aftermath of war, all efforts must be directed

at peacekeeping and peace-building, including reconciliation amongst groups pulled apart by the conflict, and the administration of justice to those who have violated international humanitarian or human rights law.

30. In a series of resolutions adopted since 1991, the Security Council has reaffirmed its "primary responsibility for the maintenance of international peace and security", as set out in Article 24 of the Charter. The Council also recognizes that massive and systematic breaches of human rights law and international humanitarian law constitute threats to international peace and security and therefore demand its attention and action.

31. In its resolution 688 (1991), of 5 April 1991, on Iraq, the Security Council recognized that the repression of the civilian population led to consequences that threatened peace and security in the region. In resolution 941 (1994), of 23 September 1994 on Bosnia and Herzegovina, the Council recognized that ethnic cleansing constituted a clear violation of international humanitarian law and posed a threat to the peace effort. In resolution 955 (1994), of 8 November 1994, on Rwanda, the Council indicated that genocide and other systematic widespread and flagrant violations of international humanitarian law constituted a threat to international peace and security. In resolution 1203 (1998), of 24 October 1998, on Kosovo, Federal Republic of Yugoslavia, the Security Council affirmed that the situation within the country's borders constituted a continuing threat to peace and security in the region. Finally, and most recently, resolution 1244 (1999), of 10 June 1999, on Kosovo, Federal Republic of Yugoslavia, reaffirmed respect for sovereignty and territorial integrity but also mandated a United Nations mission to restore and maintain security within the territory of the province.

32. The Security Council's increased concern for the plight of civilians in armed conflict has been reinforced by the frequent briefings it has received on the humanitarian situation in countries affected by conflict, and is further illustrated by the establishment by the Council of international ad hoc criminal tribunals for the former Yugoslavia and Rwanda.

33. Prevention, peace-making, peacekeeping and peace-building are mutually reinforcing and must sometimes take place concurrently if the Security Council is to adopt a comprehensive and integrated approach to protecting civilians in armed conflict. In its presidential statement of 12 February 1999 the Council called for a comprehensive and coordinated approach by Member States and international organizations and agencies to address the problem of civilians in situations of armed conflicts. Indeed it was in precisely this context that the Council requested the present report containing concrete recommendations on ways the Council, acting within its sphere of responsibility, could improve the physical and legal protection of civilians in situations of armed conflict.

34. In the section which follows, I have elaborated a number of specific recommendations for the Council to consider. These recommendations have emerged from broad consultations, including, as requested, with the Inter-Agency Standing Committee. They cover action at all stages of a conflict and include a wide range of activities relating to both legal and physical protection. They range from measures to promote adherence to international law, through political

and diplomatic initiatives intended to influence the behaviour of parties to conflicts, to measures of enforcement under Chapter VII of the Charter.

IV. RECOMMENDED MEASURES TO STRENGTHEN LEGAL PROTECTION

35. The protection of civilians in armed conflict would be largely assured if combatants respected the provisions of international humanitarian and human rights law. The recommendations in this section are therefore aimed at identifying ways in which the Security Council can promote full respect for international humanitarian, human rights and refugee law, by States and non-state actors, and particularly by parties to conflicts. The recommendations also include proposals for action by the Council to ensure that violations of these instruments are addressed through appropriate judicial processes.

A. Ratification and implementation of international instruments

36. International instruments are essential tools for the legal protection of civilians in armed conflict and should therefore be a major focus of the Security Council's efforts. These efforts should be focused initially on encouraging Member States to ratify the major instruments, to take steps to ensure their implementation in practice and to heighten awareness and acceptance of these fundamental international norms within national armed forces and police and among all sectors of society. In order to promote a "climate of compliance", Member States should take advantage of the technical services of United Nations bodies and other appropriate organizations, including the International Committee of the Red Cross, to support the incorporation of these international instruments into national law, to develop strong national institutions charged with the dissemination, monitoring and enforcement of these instruments and to establish systematic training programmes for armed forces and police in international humanitarian, human rights and refugee law, including child rights and gender related provisions. In this context, Member States could usefully exchange information about best practices with respect to the implementation of the major instruments of international humanitarian, human rights and refugee law.[6]

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[6] The major instruments in international humanitarian law are the four Geneva Conventions (1949) and the two Additional Protocols (1977), of which the latter covers internal armed conflicts. The major human rights treaties are the International Covenant on Civil and Political Rights (1966), the International Covenant on Economic, Social and Cultural Rights (1966), the Convention on the Prevention and Punishment of the Crime of Genocide (1948), the Convention on the Elimination of All Forms of Discrimination against Women (1979), the Convention on the Rights of the Child (1989), the International Convention on the Elimination of All Forms of Racial Discrimination (1965) and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984). The major instruments of refugee law are the Convention on the Status of Refugees (1951) and its Protocol (1967). Other relevant instruments are the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (1997), the Convention on the Safety of United Nations and Associated Personnel (1994), the Statute of the

I recommend that the Security Council:

1. Urge Member States to ratify the major instruments of international humanitarian law, human rights law and refugee law, to withdraw reservations and to take all appropriate legislative, judicial and administrative measures to implement these instruments, including dissemination among all sectors of society, and to report to the Council on action taken in this regard.

2. Call on Member States and non-state actors, as appropriate, to adhere to international humanitarian, human rights and refugee law, particularly the non-derogable rights enumerated in article 4 of the International Covenant on Civil and Political Rights.[7]

B. Accountability for war crimes

37. Widespread and systematic violations of international humanitarian and human rights law have too frequently not been prosecuted by domestic authorities. The Security Council's establishment of the ad hoc tribunals for the former Yugoslavia and Rwanda constituted a major step forward in addressing this failing and in combating the culture of impunity. The adoption of the Statute of the International Criminal Court in 1998 provides for the establishment of a global enforcement mechanism to address impunity, which may also serve as a potential deterrent to future violators. The apprehension and trial of indicted war crimes suspects is an indispensable component in the enforcement of international law and justice.

38. In this context, I also recall the recommendation, which I made to the Security Council in my report on the causes of conflict and the promotion of durable peace and sustainable development in Africa (A/52/871), that combatants be held financially liable for their victims under international law where civilians are made the deliberate target of aggression, and that international legal machinery be developed to facilitate efforts to find, attach and seize the assets of transgressing parties and their leaders.

I recommend that the Security Council:

3. In cases of non-compliance, consider using the enforcement measures contained in the Charter of the United Nations under Chapter VII, to induce compliance with orders and requests of the two existing ad hoc tribunals for the

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International Criminal Court (1998), the Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954) and its Protocol (1999), and the Convention on Conventional Weapons (1980) and its four Additional Protocols.

[7] Article 4 of the International Covenant on Civil and Political Rights declares non-derogable the right against discrimination on grounds of race, colour, sex, language, religion or social origin under international humanitarian law in times of armed conflict. The most frequent violations of non-derogable rights are summary and arbitrary executions, torture, cruel and degrading treatments and slavery (forced labour).

former Yugoslavia and Rwanda, respectively, for the arrest and surrender of accused persons.

4. Urge Member States to ratify the Statute of the International Criminal Court as a concrete measure aimed at enforcing respect for international humanitarian law and human rights law.[8]

5. Pending the establishment of the International Criminal Court, encourage the development of judicial and investigative mechanisms with national and international components, which may be used when the prosecution of those responsible for genocide, crimes against humanity and war crimes in either national or international tribunals appears unlikely given the unwillingness or inability of the parties involved.

6. Urge Member States to adopt national legislation for the prosecution of individuals responsible for genocide, crimes against humanity and war crimes. Member States should initiate prosecution of persons under their authority or on their territory for grave breaches of international humanitarian law on the basis of the principle of universal jurisdiction and report thereon to the Security Council.

C. Gaps in existing international law

1. Internal displacement

39. In 1992, in response to a request by the Commission on Human Rights, the then Secretary-General appointed a Representative on Internally Displaced Persons, whose objective was to examine the protection of internally displaced persons. In the absence of an international legal framework spelling out the rights and the freedoms of internally displaced persons specifically, the Representative compiled the Guiding Principles on Internal Displacement, which are based on existing instruments in international humanitarian and human rights law, and which were presented to the Commission on Human Rights in 1998 (E/CN.4/1998/53/Add.2, annex).

I recommend that the Security Council:

7. In cases of massive internal displacement, encourage States to follow the legal guidance provided in the Guiding Principles on Internal Displacement.

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[8] As of June 1999, only three of the 82 signatory States to the Statute of the International Criminal Court have presented their ratification instrument. An additional 57 ratifications are required for the Statute to enter into force.

2. Minimum age of recruitment in the armed forces and other armed groups

40. The internationally accepted minimum age for recruitment and participation in hostilities is currently 15 years.[9] The Statute of the International Criminal Court (1998) classifies the conscription, enlistment or use of children under the age of 15 as a war crime. The International Labour Organization Worst Forms of Child Labour Convention (1999) prohibits the forced or compulsory recruitment of children under 18 for use in armed conflict, but permits voluntary enlistment as well as recruitment for purposes other than combat. The African Charter on the Rights and Welfare of the Child (1990) prohibits the recruitment or use of children under age 18. None of these three Conventions are in force at present and the efforts of the Commission on Human Rights to introduce and adopt an optional protocol to the Convention on the Rights of the Child, aimed at raising the minimum age for recruitment and participation in hostilities to 18, have yet to succeed.

41. Though national legislation in most Member States codifies 18 as the age of obligatory military service, unfortunately this is seldom observed in time of armed conflict. An additional complication derives from the fact that most child soldiers participating in armed conflict do so within the ranks of non-state armed groups, where the line of command and responsibility is often unclear.

42. In October 1998, I announced a minimum age requirement for United Nations peacekeepers being made available to the United Nations by Member States and asked contributing Governments to send in their national contingent's troops preferably not younger than 21 years of age, and in no case less than 18. In addition, Member States were also requested not to send civilian police and military observers younger than 25 years of age to peacekeeping operations.[10] This decision was taken to ensure that the use of uniformed personnel by the United Nations is an example for police and military forces worldwide.

I recommend that the Security Council:

8. Urge Member States to support the proposal to raise the minimum age for recruitment and participation in hostilities to 18, and accelerate the drafting of an optional protocol on the situation of children in armed conflict to the Convention on the Rights of the Child for consideration by the General Assembly.

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[9] It should be noted, however, that article 38.3 of the Convention on the Rights of the Child states that States Parties shall refrain from recruiting any person who has not attained the age of 15 years into their armed forces. In recruiting among those persons who have attained the age of 15 but who have not attained the age of 18 years, States Parties shall endeavour to give priority to those who are oldest.

[10] See the daily press briefing of the Office of the Spokesman of the Secretary-General of 29 October 1998.

9. Demand that non-state actors involved in conflict not use children below the age of 18 in hostilities, or face the imposition of targeted sanctions if they do not comply.

3. Safety of humanitarian personnel

43. The Convention on the Safety of United Nations and Associated Personnel of 1994, which entered into force on 15 January 1999, covers those United Nations and associated personnel engaged in operations specifically authorized by the Security Council or the General Assembly. I believe that there is an emerging consensus that the scope of the Convention of 1994 should be extended to cover other categories of United Nations and associated personnel not at present covered under the Convention, including locally recruited staff. States should also consider adopting appropriate national legislation on this matter.

I recommend that the Security Council:

10. Urge Member States which have not yet done so to ratify the 1994 Convention on the Safety of United Nations and Associated Personnel, and encourage States which have already ratified to implement it fully.

11. Invite the General Assembly to urgently pursue the development of a protocol to the 1994 Convention, which would extend the scope of legal protection to all United Nations and associated personnel.

V. RECOMMENDED MEASURES TO STRENGTHEN PHYSICAL PROTECTION

44. In addition to the application of legal measures, the Security Council can promote the protection of civilians in conflict both by political and diplomatic measures as well as by peacekeeping or enforcement measures under Chapters VI, VII or VIII of the Charter. The recommendations in this chapter therefore seek to identify ways in which the Council can strengthen the physical protection of civilians through a wide range of measures, which may be introduced at different stages of a conflict.

A. Conflict prevention

45. The primary purpose of the United Nations, as stated in Article 1.1 of the Charter, is "to maintain peace and security by the prevention and removal of threats to the peace". Given that the Security Council is the primary organ responsible for the maintenance of international peace and security, it is vital that it devote greater attention to conflict prevention and give effective leadership and strong backing to efforts in this field. In this context, my July 1997 report on United Nations reform stressed that greater emphasis should be placed on timely and adequate prevention. The United Nations of the twenty-first century must increasingly become a focus of preventive measures.

46. While the causes of conflict are complex and need to be addressed in a comprehensive manner, there are a number of steps which the Council could take, acting within its sphere of responsibility, to identify potential conflict situations much sooner than is now the case and to forestall the outbreak of

hostilities. For example, early warning mechanisms are widely regarded as serving an important role in conflict prevention. Timely and adequate response to early warning will enhance the chances of preventing outbreaks of armed conflict.

47. The United Nations preventive deployment force in the former Yugoslav Republic of Macedonia is a good example of effective early action for conflict prevention. The Council should consider the use of such deployment in other situations. Preventive deployments will be of particular value in situations where the legacy of past conflict has increased the risk of mass violations of human rights. It is also important to bear in mind that while mass killings and atrocities can break out with fearsome rapidity it is usually only after considerable planning and pre-deployment of militia and other forces.

I recommend that the Security Council:

12. Consider deployment in certain cases of a preventive peacekeeping operation, or of another preventive monitoring presence.

13. Increase its use of relevant provisions in the Charter, such as Articles 34 to 36, by investigating disputes at an early stage, inviting Member States to bring disputes to the Security Council's attention, and recommending appropriate procedures for dealing with disputes; and strengthen the relevance of Article 99 of the Charter by taking concrete action in response to threats against peace and security as these are identified by the Secretariat.

14. Establish Security Council working groups relating to certain specific volatile situations to improve the understanding of the causes and implications of conflict, as well to provide a consistent forum in which to consider options to prevent the outbreak of violence in each case.

15. Make use of the human rights information and analysis emanating from independent treaty body experts and mechanisms of the Commission on Human Rights, as well as other reliable sources, as indicators for potential preventive action by the United Nations.

B. Confidence-building

1. Media

48. The role of the mass media in armed conflict needs special attention. The genocide in Rwanda and the crimes against humanity in Bosnia and Herzegovina were triggered in part by nationalistic and ethnocentric hate campaigns propagated through the mass media. Efforts to address the problem of hate media are constrained by concerns relating to national sovereignty and freedom of the press. Yet the obligation to take all possible action to prevent the open incitement to violence against particular groups is self-evident. Accordingly, I shall instruct relevant departments at Headquarters, and my representatives and the resident coordinators in countries affected by this phenomenon, to encourage and support objective broadcasting or other media initiatives, including measures to dispel rumours, counter misinformation and promote the free exchange of information. I have also decided to launch an international

effort to explore appropriate responses to "hate media" that seek to incite violence against civilians.

I recommend that the Security Council:

16. In situations of ongoing conflict, ensure that, whenever required, appropriate measures are adopted to control or close down hate media assets.

17. Ensure that United Nations missions aimed at peace-making, peacekeeping and peace-building include a mass media component that can disseminate information about international humanitarian law and human rights law, including peace education and children's protection, while also giving objective information about the activities of the United Nations, and encourage authorized regional missions to include such a capacity.

2. Other mechanisms

49. In recent years a number of different types of confidence-building measures have been tried in the immediate post-conflict peace-building phase. These have included, inter alia, measures to encourage visits and exchanges between members of different groups previously at war; cultural and sporting events; adjustments to regulations relating to the issuance of official documents such as passports, identification cards and vehicle license plates and conferences and symposia of professional and technical personnel from different regions of the affected country. Some of these activities are also relevant in the early stages of hostilities before conflict becomes entrenched, or as a means of breaking through an impasse during conflict resolution negotiations. I have therefore decided to develop a field manual of good practice, giving details of successful confidence-building measures in peace-building operations, for use in future such operations.

50. In the field of confidence-building the Council may find value in collaboration with non-governmental organizations and other civil society actors, which offer expertise and added value in these fields.

C. Humanitarian access

51. It is the obligation of States to ensure that affected populations have access to the assistance they require for their survival. If a State is unable to fulfil its obligation, the international community has a responsibility to ensure that humanitarian aid is provided. The rapid deployment of humanitarian assistance operations is critical when responding to the needs of civilians affected by armed conflict. Effective and timely humanitarian action requires unhindered access to those in need. Thus, humanitarian organizations are involved on a daily basis in negotiations with the parties to conflicts to obtain and maintain safe access to civilians in need, as well as guarantees of security for humanitarian personnel. In order to fulfil this task, humanitarian actors must be able to maintain a dialogue with relevant non-state actors without thereby lending them any political legitimacy.

I recommend that the Security Council:

18. Underscore in its resolutions, at the onset of a conflict, the imperative for civilian populations to have unimpeded access to humanitarian assistance and for concerned parties, including non-state actors, to cooperate fully with the United Nations humanitarian coordinator in providing such access, as well as to guarantee the security of humanitarian organizations, in accordance with the principles of humanity, neutrality and impartiality, and insist that failure to comply will result in the imposition of targeted sanctions.

19. Urge neighbouring Member States to ensure access for humanitarian assistance and call on them to bring any issues that might threaten the right of civilians to assistance to the attention of the Security Council as a matter affecting peace and security.

D. Special measures for children and women

52. In the Council's comprehensive resolution of 25 August 1999 on the item children and armed conflict, the Council noted, inter alia, recent efforts to bring to an end the use of children as child soldiers, in particular International Labour Organization Convention No. 182, which prohibits forced or compulsory labour. The Council also noted the Rome Statute of the International Criminal Court, in which conscripting or enlisting children under the age of 15 or using them to participate actively in hostilities is characterized as a war crime. The Council strongly condemned the targeting of children in situations of armed conflict and called upon all parties to comply strictly with their obligations under the United Nations Convention on the Rights of the Child, and stressed the responsibility of all States to bring an end to impunity. The Council's recognition of the importance of child protection has created a favourable environment for the consideration of new concrete measures in this field.

53. The particular vulnerability of women in modern armed conflict has already been described. Measures to address this vulnerability need to be taken at all stages of the conflict. I would ask the agencies concerned to establish monitoring and reporting systems that include the documentation of violations against women and children in conflict situations.

I recommend that the Security Council:

20. Ensure, as appropriate, that the special protection and assistance requirements of children and women are fully addressed in all peacekeeping and peace-building operations.

21. Systematically require parties to conflicts to make special arrangements to meet the protection and assistance requirements of children and women. These could include the promotion of "days of immunization" or similar initiatives.

E. Targeted sanctions

54. The continued efforts by Member States to develop more targeted sanctions regimes are welcome. The concept of targeted sanctions,[11] including financial sanctions, such as freezing of overseas assets, trade embargoes on arms and luxury goods and travel bans constitutes a potentially valuable means for pressuring targeted elites, while minimizing the negative humanitarian impact on vulnerable civilian populations that has been a characteristic of comprehensive economic sanctions.[12] In collaboration with a number of Member States and civil society organizations, I am committed to continuing a number of ongoing efforts to improve the efficacy of targeted sanctions.

I recommend that the Security Council:

22. Make greater use of targeted sanctions to deter and contain those who commit egregious violations of international humanitarian and human rights law, as well as those parties to conflicts which continually defy the resolutions of the Security Council, thereby flouting its authority.

23. Establish a permanent technical review mechanism of United Nations and regional sanctions regimes which can use information provided by Council members, relevant financial institutions, the Secretariat, agencies and other humanitarian actors to ascertain the probable impact of sanctions on civilians.[13]

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[11] Targeted sanctions, also referred to as smart sanctions, include: the freezing of financial assets of regime members or elites who support them; suspension of credits and grant aid; denial and limitation of access to overseas financial markets; trade embargoes on arms and luxury goods; flight bans; political sanctions such as diplomatic isolation and withdrawal of accreditation; denial of overseas travel, visas and educational opportunities to regime members and their families. Targeted sanctions are a less blunt instrument than comprehensive sanctions, thereby minimizing humanitarian costs, the disruption of non-military trade, the likelihood of a black market emerging, additional humanitarian aid requirements and a negative impact on social infrastructures.

[12] I am encouraged that recent resolutions of the Security Council establishing or modifying existing sanctions regimes (e.g. the Sudan, Angola, Sierra Leone), and, most recently, the arms embargo in the case of the Federal Republic of Yugoslavia, have been designed to include measures with little or no humanitarian impact. I also welcome recent efforts of the Council to address the humanitarian aspect of sanctions in Iraq pursuant to Council resolution 986 (1995). Moreover, the members of the Security Council recently agreed on a series of practical proposals to improve the work of the Sanctions Committee in this area, reported in the note by the President of the Security Council of 29 January 1999 (S/1999/92). I look forward to further progress on this matter.

[13] The most vulnerable groups are defined as children, pregnant or nursing mothers, the elderly and the sick and infirm.

24. Further develop standards and rules to minimize the humanitarian impact of sanctions on the basis of proposals made by the President of the Council to the sanctions committees, and ensure especially that sanctions are not imposed without provision for obligatory, immediate and enforceable humanitarian exemptions.

25. Request regional organizations or groups of countries to submit complete information regarding the establishment of proper humanitarian exemption mechanisms and clearance procedures prior to authorizing the imposition of regional sanctions. The Council may also wish to monitor the ability of regional sanctions authorities to implement the exemptions and clear shipments of humanitarian goods and to establish procedures for exercising its authority to address inadequacies.

F. Small arms and anti-personnel landmines

55. The proliferation and abuse of light weapons and small arms fuel conflicts, exacerbate the suffering of civilian victims and contribute to the breakdown of societies. A number of international and regional initiatives are seeking to address this difficult problem. I fully endorse these initiatives. Controlling the availability of arms is an essential prerequisite for a successful peace-building process. It requires a multi-dimensional approach involving demobilization, rehabilitation of combatants, law enforcement, measures to stop illegal trafficking and regulations for the legal registration and use of arms.

56. Landmines continue to maim and kill thousands of civilians each year. Unexploded ordnance, particularly cluster bombs, also kill and maim civilians long after they are used. Although a large number of States have ratified the Ottawa Convention on landmines, many States have not and some require assistance from the United Nations to meet their treaty obligations.

I recommend that the Security Council:

26. Impose arms embargoes in situations where civilians and protected persons are targeted by the parties to the conflict, or where the parties are known to commit systematic and widespread violations of international humanitarian and human rights law, including the recruitment of child soldiers; and urge Member States to enforce these embargoes in their own national jurisdictions.

27. Encourage Member States to give political and financial support and assistance to other States to facilitate compliance with the Ottawa Convention.

G. Peacekeeping

57. In the past, United Nations peacekeeping operations have performed a wide range of tasks related to the protection of civilians, including: discouraging abuses of civilian populations; providing stability and fostering a political process of reconciliation; supporting institution-building efforts, including in such areas as human rights and law enforcement; protecting humanitarian workers and delivering humanitarian assistance; maintaining the security and neutrality of refugee camps, including separation of combatants and non-combatants;

maintaining "safe zones" for the protection of civilian populations; deterring and addressing abuses including through the arrest of war criminals.

58. In the past, difficulties have arisen where it has been foreseen that elements of a peacekeeping mandate would be combined with a coercive or enforcement role, where mandates were insufficiently clear or inadequate resources were assigned to the task. It is therefore important to make a clear distinction between those tasks which can be accomplished with a modest presence, those which require a credible deterrent capacity, and those which require enforcement action.

59. The Security Council's increasing emphasis on the integration of human rights and humanitarian concerns in its actions to promote peace and resolve conflicts is a recognition of the need for a comprehensive approach to peacekeeping, which also helps to strengthen the protection of civilians. In its most recent report, the Special Committee on Peacekeeping Operations noted that the scope of peacekeeping has to be multi-disciplinary in nature, not solely restricted to military tasks, but also include civilian police activities, humanitarian assistance, disarmament and demobilization measures, actions against the proliferation of small arms and light weapons and human rights monitoring.

1. Provision of resources and support

60. As a general rule, the effectiveness of any operation bears a strong relation to its capacity to deploy swiftly the resources necessary to fulfil a given mandate. If an operation arrives in the field without the necessary capacity, this not only limits its practical effectiveness, but also undermines its political viability. A mission that is perceived as strong from the beginning of its deployment is far less likely to be tested than one which is perceived as initially vulnerable or ineffective.

I recommend that the Security Council:

28. Take steps to strengthen the Organization's capacity to plan and deploy rapidly. This includes enhancing the participation in the United Nations Stand-by Arrangements System, including by increasing the numbers of civilian police and specialized civil administration and humanitarian personnel. Rapidly deployable units of military and police are also required. Also essential is the capacity to quickly deploy a Mission headquarters.

29. Ensure that these units are trained in human rights and international humanitarian law, including child and gender related provisions, civilian-military coordination and communications and negotiation skills.

2. Compliance with international standards in United Nations operations

61. The presence and activities of United Nations peacekeepers in volatile areas throughout the world have contributed significantly to the protection of civilians in armed conflict. Countless young men and women have done so selflessly, some having given their lives. In order to protect civilians in armed conflict, as well as to protect the legitimacy and respect of peacekeeping

operations and their personnel, we need to address those cases in which peacekeepers are involved in unacceptable behaviour, including abuses of the civilian population. I have made available to troop-contributors a number of texts on human rights obligations and codes of conduct. It is important that national training programmes give appropriate emphasis to these obligations. I have also recently promulgated a Secretary-General's bulletin on the observance of international humanitarian law by members of United Nations forces, instructing them on the basic principles and rules governing means and methods of warfare and the protection of civilians and other protected persons. I shall count on the Security Council to lend appropriate support to my future requests to include ombudspersons and, where appropriate, investigatory capacities in United Nations peacekeeping operations.

I recommend that the Security Council:

30. Underscore the importance of compliance with international humanitarian and human rights law in the conduct of all peacekeeping operations by urging that Member States disseminate instructions among their personnel serving in United Nations peacekeeping operations and among those participating in authorized operations conducted under national or regional command and control.

31. Support a public "ombudsman" with all peacekeeping operations to deal with complaints from the general public about the behaviour of United Nations peacekeepers and establish an ad hoc fact-finding commission, as necessary, to examine reports on alleged breaches of international humanitarian and human rights law committed by members of United Nations forces.

32. Request the deploying Member States to report to the United Nations Secretariat on measures taken to prosecute members of their armed forces who have violated international humanitarian and human rights law while in service of the United Nations.

33. Where appropriate, establish a peacekeeping presence early in the movement of refugees and displaced persons, in order to ensure that they are able to settle in camps free from the threat of harassment or infiltration by armed elements.

3. Cooperation with other actors

62. The United Nations welcomes the possibility of collaboration with regional and sub-regional efforts whenever this will assist in conflict prevention, management or resolution. At the same time, certain limitations and concerns are evident. In many cases, regional organizations will face planning, structural or financial limitations that are graver than those facing the United Nations. This could lead to unequal response to conflict in different places. There is also concern that, where action is authorized without United Nations oversight, inappropriate actions could be taken in the name of the Organization.

63. In the context of its follow-up to the report on the causes of conflict and the promotion of durable peace and sustainable development in Africa, the Security Council recognized the potential for regional organizations to contribute and called for renewed efforts to enhance their capacity. At the

same time, the Security Council identified a number of measures which could help address some of the concerns noted above (S/PRST/1998/35). The Security Council stressed the need for regional operations to ensure that their personnel respect and observe international law, including humanitarian, human rights and refugee law. In this context, the Security Council underlined its support for the inclusion of civilian elements, for instance in dealing with political and human rights issues; and recognized the importance of the contribution that can be made by co-deployment of a United Nations peacekeeping force.

I recommend that the Security Council:

34. Confirm that regional organizations have the capacity to carry out an operation according to international norms and standards before authorizing their deployment, and put in place mechanisms whereby the Council can effectively monitor such operations.

H. Separation of combatants and armed elements from civilians in camps

64. When the national law enforcement system of a host-State is unable to separate combatants or armed elements from civilians in camps designated for internally displaced persons or refugees, it is essential that international efforts are made to restore the humanitarian nature of such camps. This issue was considered by the Council during its debate of the Secretary-General's report on the protection of humanitarian assistance for refugees and others in conflict situations (S/1998/883). As a result of these consultations, a number of possible options have been proposed to the Council, depending on the specific circumstances in each situation. The modalities for the implementation of the following recommendations will require further consultations between the Department of Peacekeeping Operations, the Office of the United Nations High Commissioner for Refugees and troop-contributing countries.

I recommend that the Security Council:

35. Deploy international military observers to monitor the situation in camps for internally displaced persons and refugees when the presence of arms, combatants and armed elements is suspected. If such elements are found and national forces are unable or unwilling to intervene, consider the range of options I have outlined in S/1998/883. This could involve deploying regional or international military forces that are prepared to take effective measures to protect civilians. Such measures could include compelling disarmament of the combatants or armed elements.

36. Mobilize international support for national security forces, from logistical and operational assistance to technical advice, training and supervision where necessary.

37. Mobilize international support for the relocation of camps too close to the border with refugees' countries of origin, to a safe distance away from the border.

I. Disarmament and demobilization

65. The abundance of armaments available to conflicting parties, especially small arms and light weapons, is a major contributing factor to the number and intensity of armed conflicts around the globe, as well as to violations of signed peace settlements. The disarming and demobilizing of combatants must be a top priority in any United Nations peacekeeping/peace-building operation. I refer to the Security Council presidential statement of 8 July 1999 for valuable guidelines (S/PRST/1998/21).

I recommend that the Security Council:

38. Ensure that peace agreements and the mandates of all United Nations peacekeeping missions include, where appropriate, specific measures for disarmament, demobilization and destruction of unnecessary arms and ammunition, and that early and adequate resources are made available. In this regard, particular attention should be given to demobilization and reintegration of child soldiers.

J. Humanitarian zones, security zones and safe corridors

66. Humanitarian zones, security zones and safe corridors address the issue of protection through the designation of specific areas or routes, which are either neutralized by an arrangement involving consent between the parties (humanitarian zones) or secured by force (security zones). Recent experiences, particularly in Bosnia and Herzegovina, demonstrate the need for greater understanding of the humanitarian, security and political implications of the establishment of zones aimed at protecting civilians.

I recommend that the Security Council:

39. Establish, as a measure of last resort, temporary security zones and safe corridors for the protection of civilians and the delivery of assistance in situations characterized by the threat of genocide, crimes against humanity and war crimes against the civilian population, subject to a clear understanding that such arrangements require the availability, prior to their establishment, of sufficient and credible force to guarantee the safety of civilian populations making use of them, and ensure the demilitarization of these zones and the availability of a safe-exit option.

K. Intervention in cases of systematic and widespread violations of international law

67. Protection mechanisms rely first and foremost on the willingness of State and non-state actors to comply with applicable international law. In situations where the parties to the conflict commit systematic and widespread breaches of international humanitarian and human rights law, causing threats of genocide, crimes against humanity and war crimes, the Security Council should be prepared to intervene under Chapter VII of the Charter. The use of coercive action should be seen as a mechanism of last resort to protect the civilian population from immediate threats to their lives and to ensure the safe passage of humanitarian convoys.

I recommend that the Security Council:

40. In the face of massive and ongoing abuses, consider the imposition of appropriate enforcement action. Before acting in such cases, either with a United Nations, regional or multinational arrangement, and in order to reinforce political support for such efforts, enhance confidence in their legitimacy and deter perceptions of selectivity or bias toward one region or another, the Council should consider the following factors:

(a) The scope of the breaches of human rights and international humanitarian law including the numbers of people affected and the nature of the violations;

(b) The inability of local authorities to uphold legal order, or identification of a pattern of complicity by local authorities;

(c) The exhaustion of peaceful or consent-based efforts to address the situation;

(d) The ability of the Security Council to monitor actions that are undertaken;

(e) The limited and proportionate use of force, with attention to repercussions upon civilian populations and the environment.

VI. OBSERVATIONS

68. In the present report I have painted a stark picture of the realities faced by civilians in armed conflict and the challenges these situations present to the international community. I have recommended clear action on the part of the Security Council to compel parties to conflict to respect the rights guaranteed to civilians by international law and convention. The plight of civilians is no longer something which can be neglected, or made secondary because it complicates political negotiations or interests. It is fundamental to the central mandate of the Organization. The responsibility for the protection of civilians cannot be transferred to others. The United Nations is the only international organization with the reach and authority to end these practices. I urge the Security Council to commit itself to this task.

69. I have been pleased to observe that the process of United Nations reform over the past two years has led to general recognition of the need for a comprehensive and integrated approach to handling crises, bringing together political, humanitarian, development and human rights actors within an agreed framework for action. In these efforts, it is clearly the Security Council which must play the leading role. We look to the Council to chart the overall approach to the resolution of crises and encourage the closest cooperation and coordination between all components of the United Nations system, regional forces, bilateral actors, Governments and non-state actors in the affected countries, as well as civil society, including international non-governmental organizations and the private sector. I welcome the increased interest of the

Council in humanitarian aspects of conflicts and look forward to even closer cooperation in the future.

70. In this report I have provided concrete recommendations to the Council covering a very wide range of initiatives. It is my belief that each of them can contribute to the protection of civilians in some or all situations. However, I wish to draw particular attention to nine proposals which I believe to be of particular importance. First are two recommendations intended to permanently strengthen the capacity of the Council and the Organization to protect civilians in armed conflict. These are:

1. Take steps to strengthen the Organization's capacity to plan and deploy rapidly. This includes enhancing the participation in the United Nations Stand-by Arrangements System, including by increasing the numbers of civilian police and specialized civil administration and humanitarian personnel. Rapidly deployable units of military and police are also required. Also essential is the capacity to quickly deploy a Mission headquarters. (Recommendation 28)

2. Establish a permanent technical review mechanism of United Nations and regional sanctions which can use information provided by Council members, relevant financial institutions, the Secretariat, agencies and other humanitarian actors to ascertain the probable impact of sanctions on civilians. (Recommendation 23)

71. Second are four recommendations which could be employed by the Council upon receipt of information indicating that the outbreak of violence aimed at civilians may be imminent. These are:

3. Impose arms embargoes in situations where civilians and protected persons are targeted by the parties to the conflict, or where the parties are known to commit systematic and widespread violations of international humanitarian and human rights law, including the recruitment of child soldiers; and urge Member States to enforce these embargoes in their own national jurisdictions. (Recommendation 26)

4. Consider deployment in certain cases of a preventive peacekeeping operation, or of another preventive monitoring presence. (Recommendation 12)

5. Make greater use of targeted sanctions to deter and contain those who commit egregious violations of international humanitarian and human rights law, as well as those parties to conflicts which continually defy the resolutions of the Council, thereby flouting its authority. (Recommendation 22)

6. Deploy international military observers to monitor the situation in camps for internally displaced persons and refugees when the presence of arms, combatants and armed elements is suspected; and if such elements are found and national forces are unable or unwilling to intervene, deploy regional or international military forces that are prepared to take effective measures to compel disarmament of the combatants or armed elements. (Recommendation 35)

72. Finally, I put forward three recommendations intended to alleviate the suffering of civilians in situations where conflict has already broken out and where civilians are being targeted. These are:

7. Underscore in its resolutions, at the onset of a conflict, the imperative for civilian populations to have unimpeded access to humanitarian assistance and for concerned parties including non-state actors, to cooperate fully with the United Nations humanitarian coordinator in providing such access, as well as to guarantee the security of humanitarian organizations, in accordance with the principles of humanity, neutrality and impartiality, and insist that failure to comply will result in the imposition of targeted sanctions. (Recommendation 18)

8. Ensure that, whenever required, peacekeeping and peace enforcement operations are authorized and equipped to control or close down hate media assets. (Recommendation 16)

9. In the face of massive and ongoing abuses, consider the imposition of appropriate enforcement action. Before acting in such cases, either with a United Nations, regional or multinational arrangement, and in order to reinforce political support for such efforts, enhance confidence in their legitimacy and deter perceptions of selectivity or bias toward one region or another, the Council should consider the following factors:

(a) The scope of the breaches of human rights and international humanitarian law, including the numbers of people affected and the nature of the violations;

(b) The inability of local authorities to uphold legal order, or identification of a pattern of complicity by local authorities;

(c) The exhaustion of peaceful or consent-based efforts to address the situation;

(d) The ability of the Security Council to monitor actions that are undertaken;

(e) The limited and proportionate use of force, with attention to repercussions upon civilian populations and the environment. (Recommendation 40)

73. Despite the precedence of law, norms and principles, physical security often needs to be assured before legal protection. The Council must act rapidly to make this principle a reality. I welcome the Council's call for this report. I sincerely hope that the Council will give its full attention to consideration of all the recommendations in it. It will be important to establish an agreed mechanism and timetable for follow-up and review. I stand ready to report regularly to the Council on progress achieved.

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9 September 1999
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GENERAL ASSEMBLY
Fifty-fourth session
Item 117 (c) of the provisional agenda*
HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

SECURITY COUNCIL
Fifty-fourth year

Letter dated 8 September 1999 from the Permanent Representative of Finland to the United Nations addressed to the Secretary-General

I have the honour to draw your attention to the statement on the killing of civilians in Burundi issued on 3 September 1999 by the Presidency of the European Union (see annex).

I should be grateful if you would have the text of this letter and its annex circulated as a document of the General Assembly, under item 117 (c) of the provisional agenda, and of the Security Council.

(Signed) Marjatta RASI
Permanent Representative
of Finland to the
United Nations

* A/54/150.

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Annex

[Original: English and French]

Statement on the killing of civilians in Burundi issued on 3 September 1999 by the Presidency of the European Union

The European Union condemns the killings on 28 August of civilians by rebels in Bujumbura. The European Union urges all parties to refrain from any violence and to fully respect human rights. The European Union calls upon all Burundians to preserve the ongoing process of national reconciliation, and in particular the Arusha negotiations, which are entering into a critical phase. The European Union stresses to all Burundians that peace and stability can be achieved only through a negotiated political settlement and encourages all Burundians to support these negotiations.

The Central and Eastern European countries associated with the European Union, the associated countries Cyprus and Malta, and the countries of the European Free Trade Association members of the European Economic Area align themselves with the present statement.

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GENERAL ASSEMBLY
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Item 117 (c) of the provisional agenda*
HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

SECURITY COUNCIL
Fifty-fourth year

Letter dated 8 September 1999 from the Permanent Representative of Finland to the United Nations addressed to the Secretary-General

I have the honour to draw your attention to the statement on the Democratic Republic of the Congo issued on 3 September 1999 by the Presidency of the European Union (see annex).

I should be grateful if you would have the text of this letter and its annex circulated as a document of the General Assembly, under item 117 (c) of the provisional agenda, and of the Security Council.

(Signed) Marjatta RASI
Permanent Representative
of Finland to the
United Nations

* A/54/150.

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Annex

[Original: English and French]

Statement on the Democratic Republic of the Congo issued on 3 September 1999 by the Presidency of the European Union

The European Union acknowledges with contentment that the signing of the Lusaka Agreement has been completed by the signatures of the Rassemblement congolais pour la démocratie. The European Union wishes to commend Zambia, South Africa, the United Republic of Tanzania and other mediators for their successful diplomatic efforts that led to the signing of the ceasefire agreement by all the parties. The European Union considers the Lusaka Agreement crucial for the restoration of peace and stability in the Democratic Republic of the Congo and the entire Central African region.

The European Union urges all the parties to proceed immediately to the implementation of the Agreement, to strictly abide by the Agreement and to refrain from any action putting it at risk.

The European Union pledges its support to the implementation of the Lusaka Agreement, provided that all the parties respect and implement the Agreement in accordance with the terms set out therein. The European Union is ready to support national reconciliation, rehabilitation and democratization in the Democratic Republic of the Congo and the process of reintegration of displaced people in the Great Lakes region into their countries of origin.

The European Union underlines its readiness to support the United Nations and the Organization of African Unity, which both have an important role in the implementation of the peace agreement, especially in the peacekeeping operations.

The Central and Eastern European countries associated with the European Union, the associated countries Cyprus and Malta, and the countries of the European Free Trade Association members of the European Economic Area align themselves with the present statement.

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S/1999/960
9 September 1999

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL CONCERNING THE CREDENTIALS OF THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA ON THE SECURITY COUNCIL

Pursuant to rule 15 of the provisional rules of procedure of the Security Council, the Secretary-General wishes to report that he has received credentials signed on 6 September 1999 by the Secretary of State of the United States of America, stating that Mr. Richard C. Holbrooke has been appointed representative of the United States of America on the Security Council.

In the opinion of the Secretary-General, these credentials are in order.

99-25938 (E) 090999

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S/1999/961
9 September 1999

ORIGINAL: ENGLISH

LETTER DATED 9 SEPTEMBER 1999 FROM THE PERMANENT REPRESENTATIVE OF BRAZIL TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Upon instruction from my Government, I wish to request the convening of a formal meeting of the Security Council, based on rule 2 of the provisional rules of procedure of the Security Council, to discuss the grave and alarming situation in East Timor. Brazil believes that the formal meeting should take the form of an open debate and be convened with the necessary urgency.

The Government of Brazil feels that the general membership should be able to express its perceptions. Brazil is confident that those perceptions will assist Indonesian authorities in deciding the best way to fulfil their obligations under the 5 May Tripartite Agreements.

(Signed) Gelson FONSECA
Ambassador
Permanent Representative

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UNITED NATIONS **S**

Security Council

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S/1999/962
9 September 1999

ORIGINAL: ENGLISH

LETTER DATED 9 SEPTEMBER 1999 FROM THE CHARGÉ D'AFFAIRES A.I. OF THE PERMANENT MISSION OF YUGOSLAVIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have been instructed by my Government to lodge the strongest protest following the shelling of five Serbian villages near Gnjilane by the terrorists of the so-called Kosovo Liberation Army (KLA) on 8 September 1999. Mr. Zivko Trajkovic of Zebra and Ms. Katarina Savic of Donja Budriga were killed in the attack, while 11 other persons were wounded, four of them seriously.

The attack is further proof that the terrorist so-called KLA has not disarmed, and that KFOR continues to countenance and even protect Albanian terrorists. Such an attitude constitutes not only a flagrant violation of Security Council resolution 1244 (1999) and its provisions relative to the demilitarization and disarmament of the so-called KLA, but also a failure by KFOR and the United Nations Interim Administration Mission in Kosovo to fulfil their commitments to guarantee a secure environment to all residents of Kosovo and Metohija, the autonomous province of the Yugoslav constituent Republic of Serbia.

The Federal Republic of Yugoslavia requests the Security Council to ensure that KFOR carries out its obligation to disarm the so-called KLA, which implies not only the collection but also the destruction of its weapons and the dismantling of its organization and structure.

I should be grateful if you would have the present letter circulated as a document of the Security Council.

(Signed) Vladislav JOVANOVIC
Chargé d'affaires a.i.

99-25953 (E) 090999

UNITED
NATIONS

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Security Council

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S/1999/963
10 September 1999

ORIGINAL: ENGLISH

LETTER DATED 10 SEPTEMBER 1999 FROM THE PERMANENT REPRESENTATIVE OF PORTUGAL TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

In accordance with the relevant provisions of the United Nations Charter and the provisional rules of procedure of the Security Council, Portugal requested on 8 September an urgent meeting of the Council to consider the situation in East Timor. This request was made bearing in mind the reports of mass killings and wanton destruction in the Territory as well as the imminent evacuation of UNAMET staff and other international personnel.

Following the request of Portugal, a meeting of the Security Council to consider this question has also been requested by Brazil, a member of the Council (S/1999/961).

While four days have passed, such a meeting has not yet taken place. Yet no visible improvement of the situation in East Timor has occurred since my Government requested a meeting of the Security Council to consider this situation. On the contrary, while widespread killings and destruction of property have continued, there has been a marked deterioration of the humanitarian situation on the ground. Indeed, even today UNAMET's compound was attacked in total disrespect of the appeal made by the Council. There is an impending threat that it will be attacked again with further loss of life of UNAMET staff and East Timorese who have taken refuge in the compound. Thousands of totally destitute internally displaced people have been arriving on the western part of the island fleeing for their lives. Others have taken refuge in the mountains and are facing starvation. This situation must not be allowed to continue.

In view of Indonesia's blatant inability to restore order and security to the Territory, I would again like to reiterate, under instructions from my Government, Portugal's request, as contained in a letter addressed to you on 8 September 1999 (S/1999/955), for an immediate meeting of the Security Council to consider the situation in East Timor. The Security Council cannot continue to discuss in private while massacres are being perpetrated in East Timor with total impunity. Indeed, there is a need for the international community to be made aware of the grave situation that constitutes a serious violation of international humanitarian law.

I request that this letter be circulated to all members of the Council as a matter of urgency and issued as a document of the Security Council.

(Signed) Antonio MONTEIRO
Ambassador
Permanent Representative

UNITED
NATIONS

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Security Council

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S/1999/964
13 September 1999

ORIGINAL: ENGLISH

Draft resolution

The Security Council,

Recalling all its previous resolutions on the Western Sahara,

Welcoming the report of the Secretary-General of 8 September 1999 (S/1999/954) and the observations and recommendations contained therein,

Welcoming also the resumption of the identification of voters and the commencement of the appeals process,

1. Decides to extend the mandate of the United Nations Mission for the Referendum in the Western Sahara (MINURSO) until 14 December 1999 in order to complete the identification of voters as envisaged in paragraph 21 of the report of the Secretary-General, to implement confidence-building measures and conclude all outstanding agreements needed to implement the Settlement Plan, and to continue with the appeals process, and reaffirms the rights of the applicants, with an expectation that the appeals process will not be turned into a second round of identification;

2. Requests the Secretary-General to report every 45 days on significant developments in the implementation of the Settlement Plan;

3. Requests also the Secretary-General to submit to the Security Council before the end of the current mandate a comprehensive assessment of steps taken towards the completion of the appeals process, and of staffing requirements as outlined in the report, as well as preparations for the repatriation of refugees and the start of the transitional period;

4. Decides to remain seized with the matter.

99-26164 (E) 130999